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THE

ACTS

—OF THE—

GENERAL ASSEMBLY

—OF—

PRINCE EDWARD ISLAND.

ANNO QUADRAGESIMO NONO VICTORIÆ REGINÆ.



CHARLOTTETOWN :

JOHN COOMBS, QUEEN'S PRINTER, 18 QUEEN STREET.

1886.

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TITLES OF THE ACTS.

Fourth Session of the Thirtieth General Assembly.

1886.

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ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Province of Prince Edward Island, begun and holden at Charlottetown, on the eighth day of April, Anno Domini, 1886, in the forty-ninth year of the reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith :

A. A. Macdonald, Lieut. Governor.

John Balderson, President of Legislative Council

Being the fourth Session of the thirtieth General Assembly convened in the said Province.

John A. Macdonald, Speaker of House of Assembly.

CAP. I.

An Act to amend "The Public Roads Act 1879."

[Assented to, 14th May, 1886.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :—

Preamble.

1. The eighteenth section of the said Act is hereby amended by striking out the words "first day of August" in the second and third lines from the commencement thereof, and inserting in lieu thereof the words following: "first day of October."

18th Section amended.

2. The twenty-first section of the said re-cited Act is hereby amended by striking out the words "except so far as the additions required to be made by him under section thirty-one, may amount to such," in the seventh, eighth and ninth lines, from the commencement thereof.

21st Section amended.

3. The twenty-ninth, thirtieth, thirty-first and thirty-second sections of the said Act are hereby severally repealed.

Sections repealed.

4. Immediately after the performance of the statute labor in a precinct the Overseer shall proceed to collect from all persons in his precinct who neglected or refused to perform statute labor or pay commutation money, and from persons liable under section twenty-six of the said Act; and in collecting such sums the Overseer is hereby empowered to sue in his official capacity as Overseer, all persons refusing or neglecting, and all persons liable to pay under section twenty-six, as aforesaid, before any Justice of the Peace for the County, residing in the road District in which the Overseer resides, and the said Justice shall have the same powers of amendment of proceedings as a Judge of the County Court; any summons issued under the provisions of this section shall be in form as nearly as the circumstances of the case will admit, similar to the summons issued under the County Court Act, and the same may be served as provided by the County Court Act; and the Overseer shall grant certificates in the form provided to all persons from whom he shall collect commutation money under this section.

Overseer to collect.

To sue before J. P.

J. P.'s powers. Form and service of summons.

Form of Overseer's certificate.

5. In case any Overseer shall be unable by reason of the absence of any person liable to pay commutation money or of any other cause to collect any such moneys before he shall furnish his list to the Supervisor he shall do so afterwards and make special report thereof in the following year's list, and in case a successor be appointed before such Overseer shall have expended such money then he shall pay the same to such successor who shall make report thereof to the Supervisor in his annual list.

Provision when Overseer unable to collect before furnishing list to Supervisor.

6. In the event of an execution being issued on a judgment so obtained, and no goods and chattels of the defendant be found whereon to levy, then the defendant shall and may be committed to the Common Jail of the County where he may be found for a space not exceeding ten days, and such execution shall be in the form as nearly as the circumstances of the case will admit, similar to the execution in Schedule L in the "County Courts' Amendment Act, 1878."

Imprisonment when no goods or chattels.

7. All moneys received by the Overseer under the provisions of this Act shall be expended by him under the direction of the Supervisor, in repairing Roads and Bridges in his precinct, where most required, and the Overseer shall fully account to the Supervisor for all such moneys so expended.

How money to be expended.

8. "The Public Roads Act, 1879" shall be read and construed as if the provisions of this Act originally formed part thereof.

How Road Act 1879 to be construed.

CAP. II.

An Act to Regulate the Practice of the Supreme Court in Cases of Replevin.

[Assented to 14th May, 1886.]

Preamble.

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :—

For what Replevin may be brought.

1. Replevin may be brought for an unlawful taking, or for an unlawful detention, whether the original taking may have been lawful or not, whenever any goods, chattels, deeds, bonds, debentures, promissory notes, bills of exchange, books of accounts, papers, writings, valuable securities, or other personal property or effects have been wrongfully distrained under circumstances in which by the law of England replevin might be made, the person complaining of such distress as unlawful may obtain a writ of replevin in the manner hereinafter prescribed, or in case any such goods, chattels, property or effects have been otherwise wrongfully taken or detained, the owner or other person or corporation capable of maintaining an action of trespass or trover for personal property may bring an action of replevin for the recovery thereof, and for the recovery of the damages sustained by reason of such unlawful caption and detention, or of such unlawful detention, in like manner as actions are brought and maintained by persons complaining of unlawful distresses.

Personal property in custody of sheriff under process from Court not to be replevined.

2. The provisions herein contained shall not authorize the replevying of, or taking out of the custody of any Sheriff or other officer any personal property seized by him under any

process issued out of the Supreme Court, any County Court or any other Court.

3. The writ of replevin shall state the description and value of the property, and shall be tested in the same manner as a writ of summons under "The Common Law Procedure Act 1873," and shall be returnable on the eighth day after the service of a copy thereof, and may be in the words or to the effect of form A in the schedule to this Act, or otherwise adapted to the circumstances of the case, or may be in such form and contain such particulars as the Supreme Court may adopt by rule of Court as hereinafter provided.

Writ, how tested and returnable.

4. No writ of replevin except when the property sought to be replevied has been distrained for rent or damage feasant shall issue unless the party applying therefor or his agent shall make and file an affidavit therein stating :

When affidavit required.

(1) That the person or corporation claiming the property is the owner thereof or that he is lawfully entitled to the possession thereof and that it is unjustly detained from him, describing the property in the affidavit.

What required to be stated in affidavit.

(2) The value thereof to the best of his belief, such description of the property and the value thereof shall be stated in the writ. The affidavit may be in the form in Schedule B, or to the like effect.

5. A copy of such writ shall be served on the defendant, personally, or if he cannot be found, left at his usual or last place of abode with his wife or some other adult person being

Writ, how served.

a member of his family or household, or an inmate of the house where he resided as aforesaid in the same manner as provided for the service of writs of summons issued out of the Supreme Court.

Sheriff to take
Bond before
he replevies.

6. The Sheriff shall not serve a copy of the writ until he has replevied the property or some part of the property therein mentioned, if he cannot replevy the whole in consequence of the defendant having removed the same out of the County, or because the same has been secreted by the defendant or any one for him, or because the same is not in the possession of the defendant, or of any person for him. Before the Sheriff replevies he shall take a bond in double the value of the property to be replevied as stated in the writ, which bond shall be assignable to the defendant, and the bond and assignment thereof may be in the form (C) in the schedule to this Act, the condition being varied to correspond to the writ.

Sheriff in
certain cases
empowered to
break open
houses, &c.

7. In case the property to be replevied or any part thereof be secured or concealed in any dwelling-house or other building or enclosure of the defendant, or of any other person holding the same for him, and in case the Sheriff demands from the owner or occupant of the premises deliverance of the property to be replevied, and in case the same be not delivered to him within twenty-four hours after such demand, he may, and if necessary, shall break open such houses, holding or enclosure for the purpose of replevying such property or any part thereof, and shall replevy according to the writ.

8. If the property to be replevied or any part thereof be concealed either about the person or on the premises of the defendant, or of any other person holding the same for him, and in case the Sheriff demands from the defendant or such other person aforesaid delivery thereof, and delivery be neglected or refused, he may, and if necessary, shall search and examine the person and premises of the defendant or of such other person for the purpose of replevying such property, or any part thereof, and shall make replevin according to the writ.

After demand made, Sheriff may search party.

9. The Sheriff shall transmit annexed to the return of the writ:

Return of writ

- (1) The names of the sureties in and the date of the bond taken from the plaintiff, and the names of the witnesses thereto.
- (2) The names of the sureties in and the date of the bond taken from the defendant on his retention of the property and the names of the witnesses thereto.
- (3) The places of residence and addition of the sureties.
- (4) The number, quantity and quality of the articles of property replevied, and in case he has replevied only a portion of the property mentioned in the writ and cannot replevy the residue by reason of the same having been carried out of his County by the defendant, or secreted by him, or not being in the possession of the defendant, or of any other person for him, he shall state in his return the articles which he cannot replevy, and the reason why not.

Proceedings
in default of
appearance.

10. In case the defendant has been duly served with a copy of the writ and does not enter his appearance in the suit within the time specified, in such writ the plaintiff may declare, mark default and proceed as in other personal actions and according to the practice of the Supreme Court.

What pleas
allowed.

Proviso.

11. The defendant shall be entitled to plead in abatement, or bar, and may plead as many pleas in defence, as he thinks necessary, provided always that every plea so pleaded must be a legal defence had the action been trespass and the taking complained of or detinue and the detention only complained of.

Equitable de-
fence may be
pleaded.

12. Any plaintiff or defendant in replevin, who, if judgment were obtained would be entitled to relief against such judgment on equitable grounds may plead the facts which entitle him to such relief by way of defence and the Court shall receive such defence by way of plea; but such plea must begin with the words: "For defence on equitable grounds," or words to the like effect, the allowance of such pleas to be in accordance with the practice of the Supreme Court under "The Common Law Procedure Act 1873," and amending Acts.

Form of writ
when action
founded on
wrongful de-
tention.

13. When the action is founded on a wrongful detention and not on the original taking of the property the writ may be the same as in an action of detinue.

Where de-
fendant justi-
fies, what plea
shall state.

14. If the defendant justifies or avows the right to take or distrain the property in or upon any place in respect of which the same might be liable to forfeiture or to distress for rent, or

for damage feasant, or for any custom rate or duty by reason of any law usage or custom, at the time when, existing and in force, he shall state in his plea of justification or avowry a place certain within the city, town, township or village within the county, as the place at which such property was so distrained or taken.

15. When replevin is brought for goods, chattels, or other personal property distrained for any cause the venue shall be laid in the county in which the distress has been made. Venue, where laid.

16. Notwithstanding the issue of a writ of replevin, the defendant or his agent, except in cases of distress for rent or damage feasant shall have the right to retain possession of the property contained therein, if he shall give security to the Sheriff in the form in the Schedule D, such security given either by the plaintiff or defendant shall be assigned on request to the party entitled to the benefit thereof by the Sheriff endorsing his name thereon, which endorsement shall be sufficient to enable such party to bring action thereon in his own name against the several parties who have executed such security. Defendant in certain cases to retain possession of property.

17. In actions of replevin the jury shall be at liberty to award damages to either party in the suit, provided the writ shall claim damages. Damages.

18. The Supreme Court may, from time to time, make such rules for advancing and rendering easy and effectual the remedy by replevin, as well by regulating the practice to be observed in such actions as by prescribing Supreme Court to make rules governing practice.

and changing the forms of writs and proceedings to be used therein, as the Court may deem conducive to the ends of justice, and all such rules, when published in the *Royal Gazette* newspaper shall have the force of law.

Sections re-
pealed.

19. The fifth, sixth, seventh, eighth and ninth sections of the Act of the fifth, William the fourth, chapter six, are hereby repealed.

Title.

20. This Act may be cited as "The Replevin Act 1886."

SCHEDULE A.

County.	}	Victoria, by the Grace, of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.
---------	---	--

To the Sheriff of (Here insert name of County.)

GREETING:—

Schedule.

We command you that without delay, you cause to be replevied to (A. B.) his goods, chattels and personal property, following, that is to say:—(here set out the description of property which the said (A. B.) alleges to be of the value of and which (C. D.) hath taken and unjustly detains (or unjustly detains as the case may be) as it is said and that you summon the said C. D. to appear before us, our Supreme Court at Charlottetown, within eight days after service of a copy of this writ upon the said (C. D.) to answer in a plea of taking and unjustly detaining, (or unjustly detaining as the case may be), his goods, chattels and personal property aforesaid, and what you shall do in the promises, make appear to us in our Court, on the day and at the place aforesaid, and have then and there this Writ

Witness,

of our said

Court at _____ this
 day of _____ A. D. 18 _____,
 one thousand eight hundred and _____

This Writ is to continue in force for six months
 from the date thereof and no longer.

This Writ was issued by _____
 of _____ in _____ County
 Attorney for the said (A. B.)

SCHEDULE B.

In the Supreme Court,

I A. B. of _____ in the County _____ Schedule.
 of _____ make oath and say;
 That I have a right to the possession of the following
 cattle, (or goods as the case may be), to wit:
 _____ as I verily believe, and that (C. D.)
 unjustly detains the same; and that the said cattle
 (or goods as the case may be), are to the best of my
 belief of the value of _____ dollars.

A. B.

Sworn to at _____ in the County of _____
 this _____ day of _____
 A. D. 18 _____, before me

E. F.

Commissioner, &c., or Judge, &c.

SCHEDULE C.

REPLEVIN BOND.

Bind in the usual form, (A. B.) (Plaintiff) and _____ Schedule.
 E. F. and G. H.

Whereas the said A. B. has sued out a writ of
 replevin against the said C. D. to obtain possession
 of certain cattle (or goods), to wit: _____ which
 the said A. B. asserts to be his property.

Now the condition of this obligation is such, that if the said A. B. shall not prosecute his suit with effect and without delay, or if suit is carried on and continued between the said A. B. and C. D. touching the property of the said cattle (or goods) and the Court shall adjudge that said cattle (or goods) shall be restored to the said C. D. with damages for detaining the same, then if the said A. B. shall restore the said cattle (or goods) and pay and satisfy any judgments that may be obtained against him this Bond shall become void. (Where the plaintiff himself does not join in the bond the form must be altered to conform to the fact).

FORM OF ASSIGNMENT.

Know all men by these presents that I W. P. Esquire, Sheriff of the County of _____ have at the request of the within named C. D., the defendant (or person making cognizance) in this cause, assigned over this Replevin Bond unto the said C. D., pursuant to the statute in such case made and provided.

In witness whereof, &c.,

Signed, sealed and delivered }
in the presence of }

(Seal)

SCHEDULE D.

Schedule.

Bond in the usual form from C. D., (defendant) and E. F. and G. H.

The condition of this obligation is such that if the above bounden C. D. do appear in the Supreme Court at _____ on the _____ day of _____ to answer to the suit of A. B., and in case judgment shall be obtained against the said C. D., if he shall satisfy such judgment or shall render himself or be rendered by the said E. F. and G. H. into the custody of the Sheriff of the County of _____ then this obligation to be void.

CAP. III.

An Act respecting Vaccination.

[Assented to 14th May, 1886.]

BE it enacted by the Lieutenant Governor,
Council and Assembly, as follows :— Preamble.

1. It shall be lawful for the Lieutenant Governor in Council to nominate and appoint one or more competent medical practitioner or practitioners to superintend vaccination in such districts and places in the several Counties in this Province as shall seem advisable, except the City of Charlottetown, and the town of Summerside, and it shall be lawful for the City Council of Charlottetown and the Town Council of Summerside to appoint one or more medical practitioner or practitioners to superintend vaccination in the city of Charlottetown and the town of Summerside respectively.

Appointment
Supts. vaccination in
country districts.

do in Char
lottetown and
Summerside.

2. Each and every Superintendent so to be appointed shall, within four weeks after receipt of such, his appointment, appoint a convenient place or places within his district, notification of which appointments shall be given by posting at least three days a notice thereof on each schoolhouse within his district, for the performance at least once in every three months of such vaccination, and shall take effectual means for giving from time to time to all persons resident in his district due notice of the days and hours at which he the said medical practitioner will attend once at least in every three months at such place or

Supt. to give
notice of
places where
he will attend
to vaccinate
and inspect
vaccination.

places to vaccinate all persons not successfully vaccinated, who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place or places to inspect the progress of such vaccination in the persons so vaccinated; provided that the places of meeting, appointed by such superintendent or medical practitioner shall be so fixed that no resident of any district shall be required to travel for such vaccination a greater distance than five miles.

Meeting
places how
far apart.

Persons 12
years old and
upwards re-
quired to be
vaccinated.

3. Every person in this Province who shall be of the age of twelve years and upwards, and unvaccinated, or not successfully vaccinated, at the time of the passing of this Act, shall, at the time and place named by the superintendent or medical practitioner, attend before such superintendent or medical practitioner for the purpose of being vaccinated, and such superintendent or medical practitioner so appointed shall, and he is hereby required thereupon, or as soon as possible after as it may conveniently and properly be done, to vaccinate every such person.

Parents or
guardians of
children un-
der 12 years
shall have
them vacci-
nated.

4. The father or mother of every child in this Province who shall be under the age of twelve years at the time of the passing of this Act, or who shall thereafter be born in any of the said districts for which such superintendents or medical practitioners shall be appointed, shall, at some such appointed time within six calendar months after the passing of this Act, and thereafter within three calendar months after the time of the birth of such child as the case may be, or in the event of the death,

illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child shall, at some appointed time within six calendar months after the passing of this Act, and thereafter within three calendar months after the birth of such child, take or cause to be taken the said child to the superintendent or medical practitioner as aforesaid in attendance at the appointed place in the district in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child has been previously vaccinated and the vaccination duly certified by some legally qualified medical practitioner; and such superintendent or medical practitioner as appointed shall, and he is hereby required thereupon, or so soon after as it may conveniently and properly be done, vaccinate the said child.

5. Upon the eighth day following the day on which any person has been vaccinated, such person being of the age of twelve years or upwards, is required again to attend before the said superintendent by whom the operation was performed as aforesaid, in order that such superintendent may ascertain, by inspection, the result of such operation, and in the case of any child under the age of twelve years, the father or mother or other person having the care, nurture or custody of said child, shall again take, or cause to be taken the said child to the said superintendent for such inspection as aforesaid.

Inspection of vaccination to be made 8 days after.

6. Upon and immediately after the successful vaccination of any such person or child as

Supt. to give
a certificate
of successful
vaccination.

and file du-
plicate with
School Trus-
tees or Town
Clerk.

aforesaid, the superintendent or medical practitioner who performed the operation shall deliver to such person or to the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, a certificate under his hand according to the form of Schedule A to this Act, that the said person or child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Secretary of the Board of School Trustees in the school district in which such person or child resides, and in case the operation be performed in Charlottetown or Summerside, then such certificate shall be transmitted to the City or Town Clerk of such places respectively, which certificate shall be duly filed by the Secretary of the School Trustees and the Clerks of the City of Charlottetown and Town of Summerside, respectively.

Such certifi-
cate sufficient
proof.

7. Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such person or child in any information or complaint brought against such person, or against the father or mother of such child, or against the person having the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act.

Supt. to give
certificate of
person unfit
for vaccina-
tion.

8. If any superintendent or medical practitioner appointed as aforesaid is of opinion that any person or child attending before him is not in a fit and proper state to be successfully vaccinated, he shall deliver to such person, or to the father or mother of

such child, or to the person having the care, nurture, or custody of such child as aforesaid, on demand and without fee or reward, a certificate under his hand, according to the form of Schedule D to this Act, that such person or child is in an unfit state for successful vaccination.

9. Such certificate, or any similar certificate of a legally qualified medical practitioner respecting any person or child, shall remain in force for two months from its delivery as aforesaid; and any person of the age of twelve years and upwards shall attend before such superintendent to be vaccinated, and the father or mother of any child, or the person having the care, nurture, or custody of any child, shall take or cause such child to be taken to the said superintendent to be vaccinated as aforesaid (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate as aforesaid, and if such person or child is not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months, until such person or child has been successfully vaccinated, and if the said medical superintendent or practitioner deems the said person or child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate such person or child accordingly, and shall, upon or immediately after the successful vaccination of such person or child, deliver to such person or to the father or mother of such

Such certificate good for two months.

after which a person again to attend for vaccination.

So often as
person unfit
for vaccina-
tion, Supt. to
deliver certi-
ficate to that
effect.

child, or to the person having the care, nurture, or custody of such child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that such person or child has been successfully vaccinated; but if the said superintendent or medical practitioner is of opinion that the said person or child is still in an unfit state for successful vaccination, then he shall again deliver to such person or to the father or mother of such child, or to the person having the care, nurture, or custody of such child, as aforesaid, a certificate under his hand, according to the form of Schedule B to this Act, that the said person or child is still in an unfit state for successful vaccination, and the said superintendent or medical practitioner, so long as such person or child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver if required to such person or to the father or mother of such child, or to the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the form of Schedule B of this Act, and the production of such certificate, or of any similar certificate, from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against such person, or against the father or mother or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

Effect of such
certificate.

10. In the event of any superintendent or medical practitioner appointed under the provisions of this Act, or any other duly qualified

When insus-
ceptible of
vaccine dis-

medical practitioner being of opinion that any person of the age of twelve years and upwards, or any child, as aforesaid, that has been vaccinated by him is insusceptible of the vaccine disease, he shall deliver to such person or to the father or mother of such child, or to the person having as aforesaid, the care, nurture or custody of such child, a certificate under his hand, according to the form C to this Act; and the production of such certificate shall be a sufficient defence against any complaint which may be brought against such person or against the father or mother or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

case, Supt.
shall so cer-
tify.

Effect of such
certificate.

11. In no case shall there be taken any greater sum than twenty-five cents for every person or child successfully vaccinated, including all or any of the certificates required by this Act, and the same charge shall be made for a final certificate that the person is insusceptible of vaccination and vaccine disease. Provided that where the superintendent or medical practitioner gives a certificate of successful vaccination without having himself actually performed such vaccination, the charge for such certificate shall not exceed the sum of ten cents.

fees for certi-
ficate.

12. If any person of the age of twelve years and upwards does not attend to be vaccinated within the periods prescribed by this Act, or does not appear before such superintendent on the eighth day after the vaccination has been performed, according to the provisions of this Act respectively contained, or if the father or mother, or other person so having as aforesaid the care, nurture or custody of any such

Penalty for
non-compli-
ance with this
Act.

child as aforesaid, does not cause such child to be vaccinated within the periods prescribed by this Act, or does not on the eighth day after the vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such person, or such father or mother, or person having the care, nurture or custody of such child as aforesaid, so offending shall be liable to a penalty not exceeding five dollars, to be recovered on summary conviction as hereinafter prescribed.

Children and teachers not allowed to attend school who cannot produce certificate. 13. No child or other person shall attend any public school for the purpose of either receiving or imparting instruction unless he can produce proof to the satisfaction of the teacher of his successful vaccination, or of his insusceptibility of the vaccine disease. It shall be the duty of every school teacher to enforce the provisions of this section. Any school teacher neglecting or refusing to enforce the provisions hereof shall be liable to a penalty for every case of neglect or refusal not exceeding five dollars.

Teacher neglecting to enforce this provision liable to penalty. 14. Any health officer or superintendent of vaccination may enter any public school and examine any person found therein, for the purpose of ascertaining if the provisions of this section have been complied with.

Health Officer or Supt. may examine schools, &c. 15. In case of any locality being visited with or threatened by an epidemic of smallpox, or whenever deemed advisable, the Lieutenant Governor in Council, in districts other than the City of Charlottetown and the town of Summerside, and the City Council of Charlottetown and the Town Council of Summerside

Authorities empowered to enforce examination,

may require the vaccination of all persons in the district who may not be sufficiently protected by previous vaccination, and may frame ^{make rules & vaccinate the} such rules as may be necessary to carry out a ^{poor.} thorough and systematic vaccination, and to provide for the vaccination of indigent persons.

16. Every penalty imposed by this Act ^{Penalties how recovered.} shall and may be recovered with costs of suit before any two Justices of the Peace for the County wherein the breach on which the penalty is imposed, shall have been committed; or if in the City of Charlottetown or Town of Summerside, before the Stipendiary Magistrate therein, on the oath of one or more credible witness or witnesses, and the provisions of the Act of the nineteenth Victoria, chapter twenty-three, and all Acts in amendment thereof shall be applicable to the recovery of such penalties and all such fines and penalties recovered for breaches of this Act in the City of Charlotte- ^{Disposal of fines,} town or the Town of Summerside shall be paid into the City or Town Treasury, and for breaches of this Act other than in the City of Charlottetown or the town of Summerside, the fines and penalties shall be paid into the Provincial Treasury.

17. After the expiration of two months from the conviction of any person for a breach of this Act, in respect of any person or child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of the Act in respect of the same child or person. ^{Plea of conviction insufficient defence after two months.}

18. The production of a certificate in the ^{Certificates sufficient defence except} form of Schedule A or B, under the hand of a ^{&c.}

legally qualified medical practitioner, shall be a sufficient defence against any such complaint; but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought.

Acts repealed 19. The Acts of the twenty-fifth Victoria, chapter twenty-two, and twenty-eighth Victoria chapter nine, and thirty-fourth Victoria chapter thirty-nine, are hereby respectively repealed.

Title. 20. This Act may be cited as "The Vaccination Act, 1886."

SCHEDULE A.

CERTIFICATE OF VACCINATION.

Schedule. I, the undersigned, hereby certify that A. B. (or C. D.) or child of N. O. (as case may be) aged of has been successfully vaccinated by me.

Dated this day of 18 .
(Signed) X. Y.

SCHEDULE B.

CERTIFICATE OF UNFITNESS FOR VACCINATION.

Schedule. I, the undersigned, hereby certify that I am of opinion that A. B. (or C. D.) child of N. O. (as case may be) of aged is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of

Dated this day of 18 .
(Signed) X. Y.

SCHEDULE C.

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE
DISEASE.

I, the undersigned, hereby certify that I am of Schedule.
opinion that A. B. (or C. D.) the child of N. O.
(as the case may be) of is insusceptible of
the vaccine disease.

Dated this day of 18 .
(Signed) X. Y.

CAP. IV.

An Act respecting the Public Health.

[Assented to 14th May, 1886.]

BE it enacted by the Lieutenant Governor, Preamble
Council and Assembly as follows :—

1. The members of the City Council of the
City of Charlottetown and the members of the
Town Council of the Town of Summerside shall
be and constitute a Board of Health in and for
the same City and Town respectively. The
Mayor of the said City and the Chairman of
the said Town Council shall respectively be
Chairman of the Board of Health in said City
and Town respectively, and the several mem-
bers shall be sworn to the faithful discharge of
their duty before a Justice of the Peace before
acting ; and all provisions of this Act respect-
ing the regulations of Boards of Health ap-
pointed by the Lieutenant Governor in Council
shall be applicable to Boards constituted by
this section.

Constitution
Boards of
Health, Char-
lottetown and
Summerside.

Chairman.

Members to
be sworn.

Applicability
of this Act to
these Boards.

2. Except as in the last preceding section

Governor in
Council to
constitute
Boards of
Health, where
necessary

and dissolve
Board and re-
move mem-
bers and add
new members

Chairman
Board.

members to
be sworn.

Duties of
Board.

Quorum.

mentioned, the Lieutenant Governor in Council shall have full authority at all times when they may deem it necessary, to make, constitute, and establish such and so many Boards of Health for the several Counties in this Island, or for particular districts in the said Counties, to consist of such and so many persons being residents of the said Counties or districts wherein the said Boards of Health shall be constituted, as the Lieutenant Governor in Council may think proper and suitable, and the said Boards or any of them at any time or times to dissolve and new ones to constitute in their room, and to add to the numbers of those established or displaced therefrom such and so many of the members thereof as they may deem to be necessary.

3. Such person as shall be nominated for that purpose in every commission constituting a Board shall be Chairman thereof, and immediately after the appointment of such Board, the several members shall be sworn to the faithful discharge of their duty by and before any Justice of the Peace for the said Counties respectively.

4. The said Boards of Health thus constituted, appointed and sworn, shall respectively meet from time to time and at all times when necessary for the performance of the duties required by this Act at such places as they may judge most advisable, and then and there by a majority of votes of those present at any appointed meeting decide all questions and manage all business touching the public health, and any five of the said Board, the whole being duly notified, or in any urgent case without notification, shall be a sufficient number of

members to proceed to business, and the said Boards may nominate a clerk for each of them respectively, and any orders made by the said Boards respectively and signed by their Chairman and countersigned by their clerk, shall be sufficient to enforce the power and authority of the said Board.

Clerk to Board.

Sufficiency of orders of Board.

5. Every Board of Health shall and may have full power and authority at any and at all times to make such rules and regulations for the preservation of the public health and the prevention of infectious, contagious, pestilential and malignant distempers, with such penalties and forfeitures in case of any breach or breaches thereof as they may deem necessary for that purpose; but such penalties and forfeitures shall not in any one case exceed the sum of four hundred dollars, and certified copies of such regulations shall be forthwith transmitted to the Executive Council, provided always that the Lieutenant Governor in Council shall have full power and authority, in case any rule or rules, regulation or regulations so made by any of the said Boards of Health shall be deemed inexpedient or improper, to revoke or repeal and annul such rule or rules, regulation or regulations so deemed inexpedient or improper, but every such rule or rules, regulation or regulations shall be deemed good and valid until so revoked, repealed or amended as aforesaid, and all penalties and forfeitures incurred under any such rule or rules, regulation or regulations, before the same shall have been so revoked, repealed, or annulled, shall and may be sued for and enforced against the person or persons liable thereto, notwithstanding such rule or

Board to make rules

and attach penalties.

Restriction on penalty.

Governor in Council may revoke rules.

Rules effectual till revoked.

Recovery of penalties.

rules, regulation or regulations may be so revoked, repealed or annulled before such penalty or penalties, forfeiture or forfeitures may have been sued for or recovered.

Board and
their officers
may enter up-
on lands and
premises and
order re-
moval nuis-
ances,

6. Every Board of Health shall and may have full power and authority, either by themselves or their committees, or other persons appointed by any such Board, and any constable or constables and person or persons acting in their aid to enter into and upon all houses, buildings, yards, enclosures, or lands not enclosed within the bounds of their several and respective jurisdictions, and remove or cause to be removed therefrom everything which may by the said Boards or their committees or persons appointed by them as aforesaid, be considered offensive, noxious, or likely to cause the spread of any such disease or distempers, or injure the public health, and the houses, buildings, goods and enclosures, or lands unenclosed of the poor or of persons who will not immediately attend to their directions to fumigate, cleanse, and use such other means for purifying as they shall deem necessary to preserve the health of the inhabitants, and the said Boards of Health respectively may cause any avenue, street or alley, or other passage whatsoever, to be fenced up or otherwise enclosed, if they shall think the public safety requires it, and adopt suitable measures for preventing all persons whatsoever from going to any part of the city, town, parish or district so enclosed.

may order en-
closure of
street, &c.,

and prohibit
persons pass-
ing streets.

Placing offen-
sive matter
prohibited
except &c.,
under penalty

7. No person unless specially licensed in that behalf, shall put in any place on land or water any offensive matter or thing likely to endanger the public health under a penalty not

exceeding one hundred dollars for each offence, and if any person shall suffer any such matter or thing to remain upon such place after notice in writing requiring him to move the same, the same may be removed under the direction of the Board of Health at the charge of the owner or occupant of such place, or of the party who placed the same thereon, and double the expense may be recovered as a private debt.

8. Such Boards of Health respectively may in their discretion prohibit or regulate the internal intercourse by land or water between the counties, districts, city, town or place for which they are respectively appointed or act, and any part or place within this Province, and may direct that all persons who shall come into the said counties or districts, city, town, or place contrary to their prohibitions or regulations shall be apprehended and conveyed to the vessel or place whence they last came or beyond the confines of their respective districts, or if sick, that they may be conveyed to such hospital or other place as the several Boards may appoint, and may adopt prompt measures to prevent the spread of any contagious or pestilential disease when it shall appear to their satisfaction that any person within their districts is afflicted with a disease of that character, and may forbid and prevent all communication with the house or family so infected except by means of ministers of the Gospel, physicians, nurses or messengers to carry the necessary advice, medicines, and provisions to the afflicted, and to exercise all such powers whenever a contagious or pestilential disease shall appear in their said several districts as in their judgment the circumstances of the case and the public good shall require.

Powers of Board to prohibit or regulate intercourse.

to remove beyond district or to Hospital

to prohibit communication with infected houses except, &c.

Board may
place vessel,
persons and
goods in
quarantine,

9. Any Board of Health whenever in their judgment the public health shall require it, may order any vessel or boat at any wharf in their district or in any part of the waters of such district to the quarantine ground or other place of safety, and may require all persons, articles or things, landed or introduced into any such district from such vessel to be seized and returned on board or removed to the quarantine ground or other place of safe deposit, and in case the master or owner or consignee of the vessel cannot be found or shall refuse or neglect to obey the order of removal, the said Board of Health shall have power to remove the vessel at the expense of such master, owner, or consignee, and no vessel or person, or any goods or articles so ordered or sent out shall return or be brought back to or within any part of the district from which they were sent without a written permit from the said Board of Health; and if any cargo, or part of a cargo, or matter, or thing within any of the said districts respectively shall be found putrid or dangerous to the public health, the same shall be destroyed or removed, and such removal when ordered shall be to the said quarantine ground or to such other place as the said Board may order.

Vessel or
goods not to
return with-
out permit.

Putrid or
dangerous
matter, how
disposed of.

Boards to
provide Hos-
pitals.

10. The said several Boards of Health shall have full power and authority when absolutely necessary to hire or provide one or more suitable house or houses in the districts for which they may be appointed or act, for a public hospital or hospitals for the reception of such diseased persons as it may be found necessary to send thereto, and to furnish the same with all things necessary for the cure, comfort and convenience

And furnish
same.

of such persons, and to provide a physician or physicians, nurse or nurses, and other persons to attend the sick and diseased therein, and conveyances or men to carry such diseased persons to and from the said hospital or hospitals, and medicines, and other necessary things for the purposes aforesaid, and also to provide all proper means for the interment of the dead, under such regulations as the public safety may require, and it shall be lawful for the said Board of Health respectively to appoint committees of any three members of each Board, whose particular duty it shall be to carry into execution all orders of the Board respecting the matters contained in this section, and who shall and may sue and be sued jointly or the survivor or survivors of them, for any contract or engagement entered into by them, in fulfilment of their duties hereinbefore in this section specified.

And provide conveyances and medicine.

To bury the dead.

Board may appoint Committees.

Whose duty, &c.

11. The said Boards of Health shall have full power and authority to remove to the said public hospital or hospitals all persons found within the districts for which they shall severally be appointed or act, who shall be afflicted with any such contagious or pestilential diseases as aforesaid, and who shall not be of sufficient ability to provide for themselves, or cannot be provided with such necessary advice, medicines, attendance, food, lodging, or clothing, as such diseases may require, and the same persons to keep there until they are cured, cleansed and purified, and may be safely discharged.

When Board to remove diseased persons to hospital.

12. If any person be sick with contagious or infectious disease in any house or place, and such person cannot be removed without danger

When impossible to move sick person house to be quarantined

to his life, to be duly certified by a regularly qualified medical practitioner, then the Board of Health may cause such house or place, or any contagious house or place to be vacated by the other occupants for such time as the Board shall deem necessary for the safety of the public.

Expenses
Boards how
defrayed.

13. The reasonable expenses hereinafter to be incurred by any Board of Health, or their committees, in carrying out the provisions of this Act, including all medicines, attendance and services bestowed and performed, and medicine supplied by physicians when required by any of the Board of Health to be bestowed, performed and supplied under the provisions of this Act, shall, in case the same were incurred by the Boards of Health in Charlottetown or Summerside, be a city or town charge as the case may be, and shall be assessed by the City or Town Council, and levied and collected in the same manner and at the same times as the ordinary City or Town rates, and in case the same be incurred by Boards of Health appointed and constituted by the Lieutenant Governor in Council, shall be paid by the Provincial Government.

Expenditure
by Govern-
ment, Boards
restricted to
\$200, except,
&c.

14. No Boards of Health appointed by the Lieutenant Governor in Council shall incur a greater expenditure than two hundred dollars without the special authority of the Lieutenant Governor in Council.

Health off-
cers to be ap-
pointed

15. The Lieutenant Governor in Council may appoint one or more medical person or persons for such districts as he may see fit (other than for the City of Charlottetown and the Town of Summerside, whose City and Town

Council respectively shall make such appointment in their respective districts) who shall have power and authority to go on board, visit and inspect all vessel or vessels arriving at this Island within the district for which he or they shall be health officer or officers, which may be suspected of having on board any infectious, pestilential or contagious disease, or distemper, and who are required at the instance of the said Board of Health to go on board such respective vessel or vessels and make full inquiry and examination into the state of the health of all persons on board, or who may have been on board during any part of the voyage, and whether the said vessel or vessels came from or touched at any place infected with any such distempers, and into and concerning all circumstances and matters in anywise touching and concerning the prevalence of any such distempers at any place where the said vessel or vessels may have touched, or from which the said vessel or vessels may have sailed; and the said health officer or health officers are hereby respectively authorized and empowered, on going on board any vessel or vessels as aforesaid, to examine the master and any other person on board such vessel or vessels, if he or they may think necessary, on oath as to the health of all persons on board, or who may have been on board during any part of the voyage, and into and concerning all circumstances and matters in anywise touching or concerning the prevalence of any of the said distempers at any place where the said vessel or vessels may have touched, which oath the said health officers respectively are hereby fully authorized and empowered to administer; and the said health officer and health officers

authorized to
board sus-
pected ves-
sels

and make en-
quiry.

May examine
on oath.

To make written report of result of enquiry.

Vessel not to proceed without permission of Board.

Fees Health officer.

performing such duty shall make report in writing to the Boards of Health for the district in which such vessel shall be, of the result of such examination and enquiry, with his or their opinion and advice thereon, and no such vessel shall proceed further into the harbor until the Board of Health for the district in which such vessel shall be, shall give a license in writing to the master or commander of such vessel for that purpose, and such health officer who shall visit, inspect, and examine any such vessel as aforesaid, and make such report as aforesaid, shall for each and every such visit, inspection, examination and report, be entitled to demand and receive from the master, owner, or consignee of such vessel so visited, inspected and examined, the rates following, being proportioned according to the size of the vessel, that is to say, for

All vessels under one hundred tons, one dollar.

Vessels of one hundred tons, and under one hundred and fifty tons, one dollar and fifty cents.

Vessels of one hundred and fifty tons, and under two hundred tons, two dollars.

Vessels of two hundred tons and under three hundred tons, three dollars.

Vessels of three hundred tons and upwards, four dollars.

Fees Health Officer for second and subsequent visits

Provided always that in case it shall be found necessary for the said health officer or officers to make more than one visit to any such vessel or vessels, every health officer so visiting shall be entitled to one-half only of any of the afore-

mentioned rates for every second and further visit so made, from the master, owner, consignee or commander of such vessel, together with a reasonable allowance for medicines furnished and supplied, the said fees for attendance and allowance for such medicines to be recovered as hereinafter provided.

16. If such health officer or health officers shall not deem it proper in the first instance or necessary actually to go on board any such vessel or vessels on account of any contagious or malignant disease which may prevail therein, then it shall not be incumbent upon him to do so but only to go alongside of such vessel or vessels, (unless a special order to the contrary shall be first made by the Board of Health for the district for which such medical officers shall be appointed) but all the powers and authorities by the last preceding section of this Act vested in such health officer or officers, and to be exercised by him or them on going on board of such vessel or vessels, shall be and the same are hereby given to and vested in such health officer or health officers, for the purpose of carrying out the provisions of this Act in cases where he or they may not deem it proper or necessary to go on board but only to go alongside of any such vessel or vessels.

Not incumbent upon Health Officer to board vessel where malignant disease.

Health officer's powers same as if he actually boarded vessel.

17. It shall not be the duty of any such medical officer as aforesaid to visit, nor shall he be entitled to any fee for visiting any vessel arriving from any port unless a general or special order for that purpose shall be first made by the Board of Health for the district for which such medical officer shall be appointed,

Health officer not authorized to visit and not entitled to fees unless by order of Board of Health.

anything in this Act to the contrary thereof notwithstanding.

Master of vessel not prevented from employing any medical man.

18. Nothing in this Act contained shall extend or be construed to extend to prevent the master of any ship or vessel from consulting or employing any medical man other than the health officer or health officers in case of any sickness amongst the crew of or passengers on board of his ship or vessel.

Penalty for violation orders Board of Health.

19. Whosoever shall violate the orders or directions of the said Boards of Health, or either of them, or who shall or may refuse or wilfully neglect or omit to act in obedience to or in conformity with such orders or directions, or shall resist, oppose, or obstruct the lawful execution of any such orders or directions as aforesaid or the members of the said Boards of Health, their committees or persons appointed by them, or any constable or constables, or other person or persons acting in their aid, in the execution of their duty, shall incur and become liable to a penalty not exceeding four hundred dollars and not less than five dollars for every such breach.

Duty of J. P. on learning of approach of disease.

20. In case it shall come to the knowledge of any Justice of the Peace that any vessel has landed, or is about to land, any passengers laboring under any infectious or contagious disease, or reputed so to be, then the said Justice, of himself and without any authority from any Board of Health, is hereby empowered, directed, and required to act to the best of his knowledge and ability in conformity with the directions hereinbefore prescribed to the Boards of Health until the Board of Health nearest to such Justice by some resolution or order signed

by their chairman or any two members thereof shall thereby supersede any order or proceeding so made or taken by any such Justice; and thereupon such Board shall forthwith require from such Justice an account of any expenses incurred by him as aforesaid, and shall include such account in their statement of disbursements, and when such disbursements shall be paid, shall then pay to the said Justice when required by him, the amount of his account, or so much thereof as shall be allowed by the authority liable to pay the same.

Payment
expenses in-
curred by J.
P.

21. All penalties and expenses incurred, fees and sums of money payable or recoverable under this Act may be sued for and recovered before a Justice of the Peace for the county in which such Board is situate, or before the Stipendiary Magistrate in Charlottetown and Summerside, in the name of the chairman or of any member or other officer of such Board. The person or officer so prosecuting shall be a competent witness. The proceeds of every prosecution or suit after deducting all legal charges shall in a city or town be paid into the city or town funds, and in other cases be paid into the Provincial Treasury.

Recovery of
penalties and
expenses.

Disposition of
penalties.

22. The provisions of the Act of the nineteenth Victoria, chapter twenty-three, and amending Acts shall be applicable to the recovery of such penalties, forfeitures and moneys.

Applicability
of other Acts.

23. No action shall be commenced against any person resident in this Province for anything done or omitted under this Act unless brought within six months from the date of the penalty, payment, debt, or charge incurred.

Restriction as
to commence-
ment of ac-
tion.

Acts repealed

24. The Acts of the fourteenth Victoria chapter five, and twenty-eighth Victoria chapter ten, are hereby respectively repealed, except so far as the same relate to matters commenced thereunder and unfinished at the time of the passing hereof.

Title.

25. This Act may be cited as "The Public Health Act, 1886."

CAP V.

An Act to amend "The Common Law Procedure Act, 1873."

[Assented to 14th May, 1886.]

Preamble.

WHEREAS doubts have arisen since the passing of the said Act regarding the validity of a Judgment in ejectment recovered on a Warrant of Attorney executed by the defendant therein, and it is advisable in order to save expense to persons willing to confess judgment in such cases to remove such doubts.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows:

Defendant in
ejectment
suit may sign
warrant of at-
torney auth-
orizing judg-
ment to be
entered up.

1. It shall be lawful for any person, or persons in the possession of any lands within this Province to execute a warrant or warrants of attorney to any one or more of the attorneys of the Supreme Court of this Province, authorizing such attorney or attorneys in the name or names of such person or persons to appear to any writ or writs of ejectment then or at any time thereafter to be issued out of said court and directed to such person or persons at the

suit of any person or persons therein named for the recovery of the possession of any land within this Province described in said warrant in the possession of the person or persons executing such warrant or warrants, and further authorizing such attorney or attorneys to consent to an order being made by any Judge of the Supreme Court for liberty to the claimant or claimants in such writ forthwith to sign judgment in such action; and thereupon it shall be lawful for any Judge of the Supreme Court to make an order for the claimant or claimants in such writ forthwith to sign judgment for the recovery of the possession of such lands and premises, and any judgment entered by virtue of such warrant or warrants of attorney shall be as valid and effectual as a judgment recovered under the provisions of the said Act, and the plaintiff or plaintiffs in any such judgment shall be entitled to all the remedies for obtaining possession of the lands recovered thereby, and the costs of such judgment and any execution or executions thereon that a plaintiff in ejectment now has on a judgment recovered under the provisions of said Act.

Judge of Supreme Court may sign judgment for recovering possession of land, &c.

Costs.

2. Every rule or order of the Supreme Court of Judicature of this Province made for the payment of money or costs, or whereby any sum of money or any costs, charges, and expenses shall be payable to any person, shall on a minute thereof signed by the plaintiffs' or defendants' attorney with rule or order being filed in Prothonotary's office, be deemed to be a judgment of the said Supreme Court, and shall bind the lands and may be enforced against the lands, goods, and chattels of the person or persons

Order Sup. Court for payment costs, &c., when deemed judgment said Court

shall bind lands

ordered to pay the same in the same way in which judgments of the said Supreme Court are enforced and all remedies given to judgment creditors are hereby in like manner given to persons to whom any money or costs, charges or expenses are by such rule or order directed to be paid.

CAP. VI.

An Act to define the operation of certain Judgment Liens.

[Assented to 14th May, 1886.]

Preamble.

WHEREAS it is desirable to define the effect of a judgment in the Supreme Court of this Island entered up against a trader who may have obtained, or hereafter shall obtain a discharge under the Insolvent Act of 1875, and amending Acts.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows:—

Effect of judgment against trader before assignment under Insolvent Act, &c.

1. Such judgment entered up against any trader in the Supreme Court of this Island before an assignment by or the issue of a writ of attachment against him under the said Insolvent Act of 1875, and amending Acts, or a judgment entered up after such assignment or attachment for a debt incurred before such assignment or attachment, shall not affect or be a lien or charge at law or equity upon any lands or estates acquired or inherited by such trader after an order confirming consent, discharge, or an order confirming his deed of composition and discharge, or an order confirming his discharge under and by virtue of the

Insolvent Act of 1875, and amending Acts :
 Provided however that nothing herein contained shall prejudice or affect such judgment ^{Proviso}
 as against the lands and estate of such trader
 had acquired or owned by him before such
 assignment, or before the issue of a writ of
 attachment against him under the said Act
 and amending Acts.

2. Nothing herein contained shall be construed to mean or imply that such judgments ^{Restriction}
 would in law bind after acquired land if this
 Act had not been passed.

3. The word "Trader" in this Act shall be held to have the same meaning as in the In- ^{Interpreta-}
 solvent Act of 1875, and amending Acts. ^{tion.}

CAP. VII.

An Act for appropriating certain moneys therein
 mentioned for the service of the year of
 our Lord one thousand eight hundred and
 eighty-six.

[Assented to 14th May, 1886.]

MAY IT PLEASE YOUR HONOR :

WE, Her Majesty's dutiful and loyal subjects, the House of Assembly of Prince ^{Preamble}
 Edward Island, towards appropriating the several
 supplies raised for the exigencies of Her
 Majesty's Government, do humbly beseech that
 it may be enacted :

And be it therefore enacted by the Lieutenant
 Governor, Council and Assembly as follows :

Administra-
tion of Justice

That by and out of such moneys as from time to time shall be and remain in the Public Treasury of this Province, there shall be allowed and paid for the services hereinafter mentioned, the several sums following:

The salary of the Attorney General and Advocate General, one thousand three hundred dollars.

The salary of the Clerk of the Crown, five hundred and twenty dollars.

The salary of the Prothonotary, eight hundred dollars.

Deputies to the Prothonotary, one thousand dollars.

High Sheriffs, one hundred and ninety-five dollars.

The salary of Crier of the Supreme Court, one hundred dollars.

Fees and disbursements of Supreme Court, five thousand dollars.

Printing and stationery, Supreme Court, two hundred dollars.

Crown Prosecutions in Magistrates' Courts, two hundred and fifty dollars.

Court House, Charlottetown, Keeper's salary, four hundred dollars.

Court House, Charlottetown, for fuel, light, &c., one thousand two hundred dollars.

Court House, Georgetown, Keeper's salary, sixty dollars.

Court House, Georgetown, for fuel, light, &c., one hundred dollars.

Gaol; Queen's County, Keeper's salary, four hundred dollars.

Salary of Assistant Gaoler, Queen's County, three hundred and sixty-five dollars.

Medical Attendant, Queen's County Gaol, thirty-two dollars.

Salary, Matron Queen's County Gaol, fifty dollars.

For maintenance Queen's County Gaol, one thousand two hundred dollars.

Salary Keeper Prince County Gaol, three hundred dollars.

Salary Assistant Gaoler Prince County Gaol, two hundred dollars.

Medical Attendant Prince County Gaol, twenty dollars.

Matron's salary Prince County Gaol, twenty dollars.

For maintenance Prince County Gaol, nine hundred dollars.

Keeper's salary, King's County Gaol, three hundred dollars.

Medical Attendant, King's County Gaol, twenty dollars.

Salary Matron King's County Gaol, twenty dollars.

For maintenance King's County Gaol, two hundred dollars.

Salaries of Chief Clerks of County Courts, one thousand five hundred dollars.

Salaries of Assistant Clerks of County Courts, three thousand two hundred dollars.

Rents and disbursements of County Courts, six hundred dollars.

Printing and Stationery of County Courts, two hundred dollars.

Bailiffs' fees, County Courts, one hundred dollars.

Boards of Health.

Boards of Health, six thousand dollars.

Coroners' Inquests.

Coroners' Inquests, three hundred dollars.

Executive Council.

Mileage of Members of the Executive Council, four hundred dollars.

Printing and Stationery, Executive Council, one hundred dollars.

Elections.

Expenses of Elections, four thousand dollars.

Education.

The salary of Chief Superintendent of Education, one thousand two hundred dollars.

The salary of the Clerk to the Superintendent of Education, eight hundred dollars.

The salaries of two Inspectors of Schools, one thousand six hundred dollars.

The salary of the Principal of Prince of Wales College and Normal School, one thousand five hundred dollars.

The salary of first Professor of Prince of Wales College and Normal School, one thousand one hundred dollars.

The salary of the second Professor of Prince of Wales College and Normal School, eight hundred dollars.

The salary of the third Professor of Prince of Wales College and Normal School, seven hundred dollars.

The salaries of District Teachers and supplements, ninety-eight thousand dollars.

Bonus to Teachers, two thousand dollars.

Scholarships Prince of Wales College, four hundred and eighty dollars.

Travelling expenses of Chief Superintendent of Education, two hundred dollars.

Printing and Stationery, &c., five hundred dollars.

For Fuel, &c., Prince of Wales College and Normal School, six hundred and fifty dollars.

Miscellaneous, fifty dollars.

General Exhibition for the whole Province, one thousand dollars. Exhibitions.

Local Exhibition, Prince County, six hundred dollars.

Local Exhibition, King's County, six hundred dollars.

The salary of the Medical Superintendent of the Hospital for the Insane, one thousand dollars. Hospital for Insane.

For maintenance of the Hospital for the Insane, seventeen thousand dollars.

Consolidation of Laws, a sum sufficient. Consolidation Laws.

Expenses of Legislation, twelve thousand eight hundred dollars. Legislation.

The salary of the Legislative Librarian, four hundred dollars.

Purchase of Books for Legislative Library, one hundred dollars.

Lieutenant Governor.

Printing and Stationery for the Lieutenant Governor's office, twenty-five dollars.

Deaf & Dumb.

Institution for Deaf and Dumb, Halifax, three hundred dollars.

Blind Asylum

Asylum for the Blind, Halifax, two hundred dollars.

Fire Department.

Fire Department, Charlottetown, six hundred and fifty dollars.

Fire Department, Summerside, one hundred and fifty dollars.

Mrs. Whelan.

Mrs. Mary Whelan, three hundred dollars.

Unforeseen.

Miscellaneous and unforeseen, one thousand dollars.

Poorhouse.

For maintenance Poor House, three thousand five hundred dollars.

Paupers.

Paupers, three thousand six hundred dollars.

Postage.

Public Postage, four hundred dollars.

Secretary-Treasurer & Land Office.

The salary of the Provincial Secretary-Treasurer, and Commissioner of Public Lands, one thousand three hundred dollars.

The salary of the Assistant Provincial Secretary-Treasurer, one thousand dollars.

Printing and Stationery, Secretary-Treasurer, one hundred dollars.

The salary of the Assistant Commissioner of Public Lands, eight hundred dollars.

Salaries of Draughtsmen, one thousand two hundred and fifty dollars.

Salaries of Clerks, one thousand one hundred dollars.

Expenses of surveys, one hundred and fifty dollars.

Collecting tours, two hundred and fifty dollars.

Interest on purchase money of the Estates purchased under the provisions of forty-first Victoria chapter nine, five hundred and fifteen dollars and twenty-two cents.

Printing and Stationery, one hundred dollars.

The salary of the Provincial Auditor and Clerk of the Executive Council, one thousand two hundred dollars. Prov. Auditor & Clerk E. C.

Printing and Stationery, two hundred dollars.

Salary of the Commissioner of Public Works, one thousand three hundred dollars. Public Works

The salary of the Secretary of Public Works, one thousand dollars.

Travelling expenses of Commissioner of Public Works, three hundred dollars.

Printing and Stationery, five hundred dollars.

Charlottetown, Southport, and East and West River Ferries, one thousand seven hundred dollars. Ferries.

Georgetown and Montague Ferry, two thousand four hundred dollars.

Summerside and Bedeque Ferry, one thousand four hundred and fifty dollars.

China Point Ferry, fifty dollars.

Cranberry Ferry, Hillsborough River, forty-five dollars.

McCannel's or Hickey's Ferry, Hillsborough River, forty-five dollars.

Ellis River Ferry, Lot Fourteen, eighty-five dollars.

Walshtown Ferry, one hundred and twenty dollars.

Grand River Ferry, King's County, eighty dollars.

Elliot River Ferry, ninety-five dollars.

Cardigan Ferry, one hundred and twenty dollars.

New Roads.

For Rights of Way and New Roads, five thousand dollars.

**Repairs, &c.,
Public Build-
ings.**

For construction of Law Courts, &c., at Georgetown, three thousand five hundred dollars.

Hospital for the Insane, for repairs, &c., five hundred dollars.

Provincial Building and Offices, for repairs, &c., two thousand dollars.

Government House, for repairs, &c., five hundred dollars.

Poor House, one hundred and fifty dollars.

Stock Farm Buildings, two hundred dollars.

Ferry Docks.

For Docks and Ferry Slips, five thousand dollars.

Bridges.

For Bridges, Queen's, King's and Prince Counties, twenty thousand dollars.

For Roads, Culverts and small Bridges, Roads, &c.
Queen's, King's, and Prince Counties, fifteen
thousand five hundred dollars.

The salaries and Commissions of Supervi- Supervisors'
sors, two thousand five hundred dollars. salaries.

Macadamizing, one thousand dollars. Macadamiz-
ing.

Bushing Ice, &c., four hundred and fifty Bushing Ice.
dollars.

Miscellaneous and unforeseen, one thousand Unforeseen.
dollars.

For Packet service between Grand River, Packet ser-
Lot 56, and Charlottetown, one hundred dol- vice.
lars.

For Packet service between Wood Islands,
Belle Creek, Pinette, and Flat River, and Char-
lottetown, two hundred dollars.

For Packet service between Murray Harbor
and Charlottetown, one hundred and fifty
dollars.

For Packet service between Rustico, New
London, and Malpeque, and Charlottetown,
six hundred dollars.

Coast and River Steam service, two thousand Steam ser-
six hundred dollars. vice.

Steamers "Elfin" and "Southport," two Ferry Steam-
thousand one hundred dollars. ers.

The salary of Keeper of Provincial Build- Keeper Prov.
ing, four hundred dollars. Building.

The salary of Messenger of Public Offices, Messenger, do
three hundred and twenty-five dollars.

Fuel, light, &c., one thousand two hundred Fuel, &c., do.
dollars.

Laws. For printing Folio and Sessional Laws, one hundred and fifty dollars.

Miscellaneous Printing. Miscellaneous, two hundred dollars.

Registry Office. The salary of Registrar of Deeds, one thousand dollars.

The salary of the Assistant Registrar of Deeds, six hundred and fifty dollars,

Salaries of Engrossing Clerks, two thousand five hundred dollars.

Books and Stationery, two hundred dollars.

For the importation of Stock, two thousand five hundred dollars.

Indemnity members House of Assembly. Granted at the disposal of the Government, a sum sufficient out of the amount voted for the contingencies of the House of Assembly, to pay the Speaker of the House four hundred dollars, and to each Member one hundred and sixty dollars for his attendance during the present session, together with his travelling expenses in coming to and returning from the House of Assembly, and also the sum of twelve dollars to each Member of the House of Assembly, for stationery and postage.

Granted at the disposal of the Government, a sum sufficient to pay the following amounts:

Indemnity members Legis. Council A sum of four hundred dollars to the President of the Legislative Council, and one hundred and sixty dollars to each of the Members of the said Council for his attendance during the present session, together with his travelling expenses (as allowed to Members of the House of Assembly) in coming to and returning from the Legislative Council, the

same to be paid out of the amount voted for the contingent expenses of the Legislative Council, and also the sum of twelve dollars to each member of the Council for stationery and postage.

CAP. VIII.

An Act in further amendment of an Act to Incorporate the City of Charlottetown, and to make other provisions.

[Assented to 14th May, 1886.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :— Preamble.

1. That the City Council of the City of Charlottetown shall have power to borrow a sum not exceeding eight thousand dollars for the purpose of paying off the indebtedness of the city incurred by reason of the late small pox epidemic, and they are hereby authorized and empowered to issue debentures to secure the payment thereof, and in form the same as the debentures now issued by said city under its Act of Incorporation and amending Acts, such debentures to be payable as follows :

Corporation
Ch'town may
borrow \$8000
to pay small
pox indebted-
ness.

One-fifth of the amount actually issued in one year from the issue thereof, and a like amount in each succeeding year, until the whole amount issued is fully paid. The whole to be paid out of the ordinary revenues of the city, such debentures to bear interest at a rate not exceeding six per centum, per annum, and to be a charge upon all city property, and upon all taxes and moneys raised by the city

How debentures redeemed.
Rate of interest.

Proviso.

upon the authority of any Act of Parliament of this Province, or any By-Law passed pursuant thereto. No debentures issued under this Act shall be construed to limit or affect the borrowing power conferred on the city by the eighth section of the Provincial Statute, thirty-ninth Victoria chapter twenty, but such power shall remain the same as fully as if this Act had not been passed.

CAP. IX.

An Act to amend "An Act to incorporate the Telephone Company of Prince Edward Island."

Preamble.

[Assented to May 14th, 1886.]

WHEREAS the twenty-fourth section of the Act forty-eighth Victoria chapter ten, provides that any person who shall wilfully or maliciously injure, molest or destroy any lines, posts, or other property of the Company, shall be liable for each offence to a fine not exceeding twenty dollars; And whereas provision is made for the punishment of such offences by the law enacted by the Parliament of Canada, and it is therefore expedient that the said recited section be repealed.

48 Vic. Cap. 10,
section 24 re-
pealed.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

1. The twenty-fourth section of the Act of the forty-eighth Victoria chapter ten, intituled "An Act to incorporate the Telephone Company of Prince Edward Island" is hereby repealed.

CAP. X.

An Act to amend "An Act respecting the Village of Kensington."

[Assented to 14th May, 1886.]

WHEREAS no provision is made in the Act of the forty-eighth Victoria, chapter seven, intituled "An Act respecting the Village of Kensington," for the legal conveyance of real property to the said village for the purposes of the said Act, and whereas it is expedient that the said Corporation should hold and possess real property for fire and other purposes, and that provision should be made for suing the said Corporation. Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

1. The Board of Assessors and Fire Wardens of the Village of Kensington at present acting and elected under the provisions of the said recited Act, and their successors in office, are hereby declared to be a body politic or Corporation by the name of the "Village of Kensington," and by that name shall have perpetual succession and a common seal, with power the same seal to change, alter, break, and make new, as to the said Corporation may seem fit, and shall and may by that name be capable and authorized to purchase, have, hold, receive, possess and enjoy lands, messuages, houses, hereditaments and real estate within the limits of the Village of Kensington, as described in the said recited Act, either in fee simple or for terms of life or lives, or years, or in any other manner, but not exceeding in value ten thousand dollars, and likewise money, goods, chattels, effects and other things of whatsoever kind or quality, and shall

Village of Kensington to have usual powers of Corporation.

May hold lands up to \$10,000 in value.

by the name of the "Village of Kensington" give, grant, sell, assign, mortgage, or otherwise dispose of all or any of such real and personal estate, or property as aforesaid, as to the said Corporation may seem meet, and at their free will and pleasure; and shall and may by the name of the "Village of Kensington," sue or be sued, plead, or be inpleaded at law or in equity for or in respect of such real and personal property, or otherwise howsoever, except as is provided by the said recited Act.

May sell or
mortgage

May sue and
be sued.

CAP. XI.

An Act to consolidate and amend the Acts Incorporating the Town of Summerside.

[Assented to 14th May, 1886.]

Preamble.

WHEREAS it is deemed expedient to consolidate and amend the Acts incorporating the Town of Summerside.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

Inhabitants
Summerside
constituted
corporation

Boundaries
defined.

1. That the inhabitants of that part of Lot or Township Number Seventeen, in Prince County, in Prince Edward Island, which is bounded as follows, that is to say : Commencing on the side of the bank of Bedeque Bay, in the boundary line dividing the lands of the late William Green, and Spencer Green, and running from thence along said boundary North thirty degrees East for the distance of eighty-six chains; thence East thirty degrees, South eighty-seven chains and eighty-six links to the late Joseph McEwen's road; thence South thirty-six degrees West along said road twelve chains and seventeen links; thence South

along said road and the road dividing the late James L. Holman's and Robert Glover's land, eighty-eight chains and fifty links to the shore of Bedeque Bay, aforesaid; thence Westerly along said shore to the point of commencement, including all wharves, piers, quays, landings and breastworks, all along the aforesaid western frontage, are hereby constituted a body corporate and politic by the name of the "Town of Summerside," and as such shall have perpetual succession and a common seal, with ^{Powers.} power to break, renew, and alter the same at pleasure, and shall be capable of suing and being sued in all Courts of Law and Equity, and of accepting, taking, purchasing, and holding real and personal estate, and of granting, selling, assigning, demising, and conveying the same or any part thereof, and of entering into and becoming a party to contracts, and of making, endorsing, and accepting any bills, notes, and making, taking, or assigning any bonds, judgments, or other instruments, or security for the payment of, or the securing the payment of any money borrowed or lent, or securing the performance of any other duty, matter or thing whatever, and to do and execute all acts, and possess and enjoy all powers and immunities incident to such corporation, or which may be for the benefit and advantage thereof, subject to the regulations hereinafter provided.

2. The Town of Summerside for the purposes of this Act shall be one undivided electoral district.

3. The administration of the fiscal, prudential and municipal affairs, and the whole local government of the said Town, save and except ^{Town Council to administer affairs.}

such powers and authorities as are vested in the Stipendiary Magistrate by any Acts of the General Assembly of this Province, shall be vested in one principal officer (who shall be Chairman of the Town Council), and in six other persons, who with the said Chairman shall be elected for said Town, as hereinafter provided, and who shall be styled "Councillors of the Town of Summerside," and the said Chairman and Councillors shall constitute the Town Council.

Enactment of By-laws. 4. All by-laws, ordinances, rules and regulations made by the said Council shall express to be made by the Town Council of the Town of Summerside.

Magisterial powers restricted to Stipendiary Magistrate. 5. No Justice of the Peace shall, except as hereinafter provided, exercise within the said Town any powers which now or hereinafter may be vested in the Stipendiary Magistrate.

When Stipendiary Magistrate disqualified, County Judge to perform functions. 6. If the Stipendiary Magistrate shall be disqualified by reason of any cause, matter or thing known to the common law, or by reason of any statute, then the magisterial or other duties, from the performance of which the Stipendiary Magistrate is disqualified, may be performed by any Judge of a County Court in Prince Edward Island as a Justice of the Peace for the whole Island, who shall sign all documents, and all such proceedings as may be necessary to be signed by him as acting Stipendiary Magistrate for the Town of Summerside.

Term of Town Council. 7. The Chairman and Councillors shall, subject to the provisions hereinafter contained, continue and remain in office until their succes-

sors shall be elected, or they themselves be re-elected.

8. From and after the passing of this Act, all annual elections of Chairman and Councillors shall take place and be held on the first Monday in October, in every year, and the Chairman and Councillors shall go out of office each year, and their places shall be filled by the persons to be elected in their place on the said first Monday in October. When elections held.

9. When any vacancy shall happen in the Council, whether by death, resignation or otherwise, the person elected to fill the same shall hold office until the period at which the person in whose stead he shall have been elected would in the ordinary course have gone out of office. Councillor elected to fill vacancy term of office.

10. If any person at the time of his election as Councillor, or at any time thereafter (1) hold any office or place of profit in the gift or disposal of the Council, or (2) by himself, agent, partner, clerk, or employee, or in any other way whatever, directly or indirectly, have any share or interest in any contract, or employment with or on behalf of the Council, or for the said Town, or any interest in any goods, wares, or merchandise, sold thereto, or purchased thereby, his election shall be void, or his office as Councillor shall by the Council be declared vacant as the case may be. What shall vacate Councillor's seat.

11. No person shall at any time be qualified to be elected a Chairman or Councillor for the said Town, unless at the time of his election he be resident within the said Town, of the full age of twenty-five years, and shall have been assessed in the assessment next preceding such Qualification of Councillor.

election to the value of one thousand dollars, or upwards, and shall have paid, before the time of such election all rates and taxes legally due from him within the said Town.

Notice of
nomination &
election how
given.

12. Public notice of the time for and place of the nomination and the election of Chairman and Councillors under this Act, shall be given by the Town Clerk by publishing a notice in one or more newspapers (if any) published in said Town, and by printed notices to be posted in at least ten public places within the limits of said Town, of which the Railway Station, the hall of the Court House, and the hall of the Post Office, for the time being shall be three.

Form of no-
tice.

13. Such notice shall be published as aforesaid for at least ten days before said nomination, and may be in Form A.

Returning
Officer.

14. The Sheriff of Prince County for the time being, or in his absence from this Island, or illness, or other incapacity to act, such person as the Council shall appoint shall be the returning officer at every such election, and shall be entitled to receive such fees therefor as the Council shall prescribe.

Nomination
of Councillors

15. Seven days before the holding of all elections under this Act, the candidates for the office of Chairman or Councillors shall, between the hours of nine o'clock in the forenoon, and four o'clock in the afternoon of the same day, be nominated by at least two electors of said Town, qualified to vote at such election by producing to the Town Clerk a writing in Form B, under their hands, giving the name, residence and addition or description of candidate, sufficient to identify him.

16. The nomination paper may contain the names of as many persons as there are vacancies to be filled. Names on nomination paper.

17. The nomination papers shall be entered by the Town Clerk in a book to be kept by him for that purpose. Town Clerk to record nomination papers.

18. Any vote given at the election for any other person than those nominated, shall be void. Vote void unless given for person nominated.

19. If only such number of candidates are nominated as is required to be elected, the Town Clerk shall at the close of the nomination declare such candidates to be duly elected, and shall make a return to that effect to the Council at their next meeting, together with the nomination papers of such candidates or candidate. Where no opposition to candidates, duty of Town Clerk.

20. Such return may be in Form C, and shall be conclusive evidence of the due nomination and election of the persons therein named, and of the regularity of every prerequisite to the holding of such nomination. Form of return and value thereof.

21. If more candidates than the number required to be elected are nominated as aforesaid, the Town Clerk shall at least two days before the holding of the election issue a warrant in Form D, under his hand and the corporate seal of said Town, directed to the Returning Officer directing him to hold a Poll, and the Returning Officer on the day named in such warrant shall open a Poll at the time and place as therein decided. When Poll demanded Town Clerk to issue warrant for holding election.

22. At all elections to be held under this Act, the poll shall be opened at nine o'clock the forenoon, and be kept open until five o'clock Hours of holding poll.

in the afternoon of the same day, and the
 Vote by ballot voting shall be by ballot in Form E, showing
 the names of the candidates for each office then
 about to be filled.

Returning officer to be sworn and to appoint poll clerk. 23. The Returning Officer before entering upon his office as such, shall take and subscribe the oath of office before a Justice of the Peace for Prince County, in Form F, and shall appoint in writing under his hand in Form G a Poll Clerk, and in same manner appoint another should the one so appointed die, or refuse, or be unable to perform the duties as such.

Town Clerk may be Poll Clerk. 24. The Town Clerk may be appointed Poll Clerk.

Poll Clerk to be sworn. 25. The Poll Clerk before acting as such shall take the oath Form H, before the Returning Officer or a Justice of the Peace for Prince County.

Returning Officer to be furnished with Voters' List. 26. The Town Clerk shall before the Poll is opened furnish the Returning Officer with

(a) A list, hereinafter called the Voters List, of the names of all persons assessed in the assessment list next previous to such election, arranged alphabetically, who have paid, previous to the day of holding such election, all taxes due by them to said Town.

With ballot papers and pencils, No envelopes to be used.

(b) A sufficient number of ballot papers to supply the voters named in said list, and pencils to mark said ballots; no envelopes shall be used with said ballots.

With ballot box.

(c) A ballot box to receive the ballot papers of the voters.

(d) At least three copies of printed directions ^{With directions to voters which shall be posted up.} for the guidance of voters in voting, which the Returning Officer shall before or at the opening of the poll on the day of polling cause to be posted up in some conspicuous places outside of the polling station, and also in the compartments of the polling station.

27. The Returning Officer, the Poll Clerk, the candidates and their agents, not exceeding ^{Who shall be allowed in polling booth} two for each candidate, and no others shall be permitted during the election to remain in the room where the votes are given.

28. Every person representing himself to be the agent of any candidate shall, before acting as such, produce his appointment in writing ^{Candidate's agent to produce appointment and take oath.} under the hand of such candidate, and shall deliver up the same to the Returning Officer, and shall take the oath to keep secret the names of the candidates for whom any of the voters may have marked his ballot paper in his presence as hereinafter required, which oath shall be in Form I.

29. At the hour fixed for opening the poll the Returning Officer and the Poll Clerk shall in the presence of the candidates, their agents, or the electors as shall be present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked and the Returning Officer shall keep the key thereof and shall call upon the electors to vote. ^{Ballot box to be examined before opening of poll.}

30. All male inhabitants of the age of ^{Qualifications of voters.} twenty-one years who shall have resided in

said Town for at least one year then next preceding the day of such election, being British subjects, who shall have been assessed in the assessment list next previous to such election:

(a) Upon property within said Town of the assessed value of one hundred dollars and upwards, or who have been assessed in the sum of one dollar poll tax or (c) Every male British subject non-resident of said Town who shall be qualified to vote on any of the qualifications aforesaid, and whose name appears on the voters list,

Proviso.

shall be entitled to vote at any election held under the provisions of this Act: Provided always that no person, whether resident or non-resident, shall be permitted to vote unless he shall have previous to the day of such election paid all taxes and assessments which have been assessed against him due to the said Town.

No person to vote whose name is not on voters list, unless exempt from taxes.

31. No person shall be entitled to vote at such election unless his name shall appear on the voters list to be furnished to the Returning Officer by the Town Clerk as aforesaid: Provided always that no person shall be disqualified from voting who has been exempted from paying taxes.

Penalty upon Town Clerk for neglecting to insert voter's name.

32. In case the Town Clerk should wilfully neglect or refuse to insert in the voters list the name of any person duly qualified to vote, he shall be liable to a penalty therefor of eight dollars for every such omission, to be recovered by the party aggrieved with costs of suit in the Small Debt Court of the Town of Summerside, according to the procedure of said Court in actions for the recovery of moneys at the time of the commencement of such suit.

33. Each elector being introduced one at a time into the room where the poll is held, shall declare his name, surname and addition, which shall be entered in the Poll Book to be kept by the Poll Clerk for that purpose, and if the same be found on the voters list, he shall receive from the Returning Officer a ballot paper, on the back of which such Returning Officer shall have previously put his initials, so placed that when the ballot paper is folded they can be seen without opening it.

Mode of voting.

Returning Officer to initial ballot paper.

34. The Returning Officer shall instruct him how to fix his mark and how to fold his ballot without enquiring or seeing for whom he intends to vote.

R. O. to instruct voter.

35. The voter on receiving the ballot shall proceed forthwith into a compartment of the polling station, and there mark his ballot paper, making a cross with his pencil on the ballot paper within the division (or if there be more than one to be elected) within the divisions containing the name or names of the candidate or candidates for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it, and hand it to the Returning Officer, who shall without unfolding it, being satisfied that his initials are on the same, in the presence of the elector place the ballot paper in the ballot box, and any voter may vote for one or more of the candidates nominated without voting for all the said candidates nominated.

Mode of voting.

Not compulsory to vote for all the candidates.

36. Every voter shall vote without delay, and quit the polling station as soon as his ballot paper has been put into the ballot box.

Voter to poll without delay, &c.

Ballot paper
not to be ex-
hibited.

37. No elector shall be allowed to take his ballot paper out of the polling station or show the same after he has marked it.

In certain
cases R. O. to
assist voter.

38. The Returning Officer on application of any voter who is unable to read, or is incapacitated by any physical causes from voting as aforementioned, shall assist such voter in marking his ballot paper in the manner directed by such voter in the presence of the agent or agents of any candidate, and of no other person, and by placing such ballot paper in the ballot box, and the Returning Officer shall require the voter making such application before voting to make oath of his incapacity to vote without such assistance, in the form following:—

Voter unable
to mark ballot
to testify
thereto on
oath.

Form of oath.

I solemnly swear (or affirm) that I am unable to read and to understand the ballot papers so as to mark the same (or) I am incapacitated by physical cause (as the case may be) from voting without the assistance of the Returning Officer.

39. If a person representing himself to be a particular elector named on the voters list, applies for a ballot paper after another person has voted as such elector, the applicant upon taking the oath Form I, and otherwise establishing his identity to the satisfaction of the Returning Officer, shall be entitled to receive a ballot paper as aforesaid, and to vote as any other elector.

When voter
has been per-
sonated, upon
taking oath
he shall be al-
lowed to vote

Procedure in
such case.

40. The name of such voter shall be entered on the voters list, and a note made of his having voted on a second ballot issued under the same name.

Duty of Poll
Clerk..

41. The Poll Clerk shall enter in the Poll

Book opposite the name of each elector voting the word "voted" as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter in the same book "sworn" or "affirmed" opposite the name of each voter to whom the oath or affirmation shall have been administered, and the words "refused to be sworn" or "refused to affirm" opposite the name of each elector who has refused to take the oath or to affirm.

42. No voter having once refused to take the oath or affirmation of qualification required as aforesaid by this Act when requested so to do, shall receive a ballot paper, or be allowed to vote, or be again admitted to the polling station, nor shall any person be allowed to vote or admitted to the polling station who has taken his ballot paper out of the polling station, or has shown the same after he had marked it, so that the name or names of the candidate or candidates for whom he has voted may be known.

Voter refusing to take oath, or voter taking ballot paper outside or exhibiting it not to be re-admitted to station.

43. A voter who has inadvertently dealt with the ballot paper given him so that the same cannot be conveniently used, may on delivering the same to the Returning Officer obtain another ballot paper in the place of the one delivered up.

When ballot spoiled another paper may be delivered.

44. Immediately after the close of the poll the Returning Officer shall in the presence of the Poll Clerk and the candidates or their agents, or in their absence in the presence of any other electors present, open the ballot box and proceed to count the number of votes given for each candidate. In so doing he shall reject :

After close of Poll, R. O. to count ballots.

What ballots
shall be re-
jected.

(a) All ballot papers which have not been supplied by him and have not his initials on the back.

(b) All those by which votes have been given for more candidates than are to be elected.

(c) All those upon which there is any writing or mark by which the voter could be identified.

Disposition of
ballot papers.

45. The other ballot papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively, shall be put into separate envelopes or parcels, and those rejected, and those spoiled, and those unused, shall be put into a different envelope or parcel, and those parcels being endorsed so as to indicate the contents, shall, together with the list of the number of votes given to each candidate, be put back into the ballot box.

R. O. to vote
and decide all
objections.

46. The returning officer shall take a note of and decide all objections to any ballot paper found in the ballot box, and such decision shall be final.

Oath of R. O.
and Poll Clerk

47. The returning officer and the poll clerk shall respectively take the oaths in Form (K and L) and annex the same to his return of the result of said election.

R. O. to de-
liver Agents
certificate of
ballots.

48. The returning officer shall on request deliver to each of the candidates, their agents, or in their absence to the electors present representing the candidate, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

49. The returning officer whether otherwise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Chairman or Councillor, or any of them, but in no other case shall he have a right to vote.

When R. O. shall give casting vote.

50. The returning officer shall on the second day after the day of such election, transmit his return in Form M to the Town Clerk endorsed on the warrant under which said election was held, that the candidate having the greatest number of votes for the office of Chairman, has been duly elected, and that the candidate or candidates (as the case may be) having the greatest number of votes for the office of Councillor, has been elected; which return shall be conclusive evidence of the due election of the person or persons therein returned elected, and of the regularity and happening of every prerequisite necessary to holding of such election.

R. O. to make returns to Town Clerk.

New York Life Ins. Co. City of New York

Return to be evidence of election, &c.

51. The returning officer shall also transmit to the Town Clerk with his return the ballot papers in separate packages, as aforesaid, the ballot box, and the voters list and poll book, and any other lists and documents used or required at such election, or given to him by the Town Clerk.

R. O. to transmit ballot papers, &c.

52. The returning officer holding any such election shall be and may be deemed a Justice of the Peace for the Town of Summerside on that occasion.

R. O. to be J. P. pro tem.

53. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any

Election not invalid for non-compliance with this Act, if result of election not thereby affected.

want of qualification in the person signing a nomination paper received by the returning officer under the provisions of this Act, or of any mistake in the use of the Form contained in the Schedule to this Act, if it appears to any tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

54. The persons so returned as elected as
Councillors to
 fyle assess-
 ment receipts
 with Town
 Clerk, aforesaid, before taking the oath as hereinafter
and take oath provided, shall fyle with the Town Clerk the
 assessment receipts given to them severally by
 the Town Clerk, and shall be sworn or shall
 make affirmation by taking and subscribing the
 following oath of office before the Judge of the
 County Court of Prince County, the Stipendiary
 Magistrate for the said Town, or any Justice of
 the Peace, that is to say :

Form of oath. I, A. B., do solemnly swear (or affirm) that
 I am duly qualified as required by law for
 the office of (Chairman or Councillor, as
 the case may be) to which I have been
 elected, and that I will, diligently, faith-
 fully and impartially, and to the best of
 my ability discharge the several duties
 which appertain to the said office of Chair-
 man or Councillor while I hold the same,
 So help me God.

Councillors
 eligible for
 re-election. 55. At the election to be held on the first
 Monday in October, A. D. one thousand eight
 hundred and eight-six, and at all subsequent
 elections, the councillors then in office shall be
 eligible for immediate re-election, if duly quali-
 fied in other respects.

56. There shall in each year be twelve ^{Meetings of Council,} monthly meetings of said Council, which shall ^{how often,} be held on the second Monday in each month: ^{notice thereof} Provided that it shall be lawful for the Chairman to call a special meeting of the said Council when and so often as he may deem proper after two days previous notice thereof, such notice to be signed by the Town Clerk, and to be served personally on each Councillor, or left at his place of business or usual place of abode.

57. Any meeting of the Council may be ^{Adjournment} adjourned from time to time.

58. The majority of the members of the ^{Majority vote to determine.} said Council present shall determine all questions and matters under the consideration of the Council, provided that the number present at said meeting (exclusive of the Chairman or ^{Proviso.} presiding Councillor) be not less than one-half the number of councillors.

59. The Chairman shall preside, and in case ^{Presiding officer at meeting.} of his absence, such Councillor shall preside as the majority of Councillors present shall choose Chairman of such meeting, and in case of equality of votes, only the Chairman or Coun- ^{Casting vote of Chairman.} cillor presiding shall have a casting vote.

60. It shall be the duty of the Town Clerk ^{Town Clerk to keep minutes to be signed by Chairman.} at all meetings of the Council to keep a minute of the proceedings in a book to be kept for that purpose, in which he shall enter the names of the members who shall be present at the opening or during the continuance of such meeting, which minutes shall be signed by the Chairman presiding at such meeting, and shall be open to the inspection of all persons qualified to vote at the election of Chairman and Councillors.

Committees of
Council.

61. It shall be lawful for the said Council to appoint from out of the members comprising such Council such and as many committees constituted of such number of persons as they may think fit for the transaction of the business before such Council, and for the discharge of such duties as by the said Council may be prescribed, but subject in all things to the approval, authority, and control of the said Council; and in all questions coming before any such committee, a majority of the members present shall determine such question, provided that a majority of the persons comprising such committee be present.

Majority vote

Appointment
of Auditors,
Assessors,
Market Clerk,
Policemen,
Road Survey-
ors, Pound
Keepers,
Wharfingers,
&c.,

Duties and
terms of office.

Council may
remove
officers.

And impose
fines for non-
performance
of duties.

Salaries of
officers.

62. At the first meeting of the Council after every annual election, or at any subsequent meeting, the said Council may nominate and appoint from time to time for the said Town, a clerk, two auditors, two assessors, a clerk of the market and so many policemen, surveyors of roads, pound keepers, wharfingers, and such officers as they may deem necessary according to the true intent and meaning of this Act, and to define the duties of such officers, and their respective terms of office, which shall not be longer than one year, unless they be re-appointed; and the Council may also at their pleasure remove or displace any of the said officers and appoint others in their stead, and may impose penalties for the non-performance of duties, or other misdoings of such officers, and may cause such penalties to be levied and recovered by distress or otherwise, as such Council may direct, and shall grant or allow in any year, by stated salary or otherwise, to the Clerk or other officer so to be appointed, as afore-

said, such allowance or other compensation for their services as the said Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the Council until he shall have been sworn or have affirmed before the Chairman of the Council, or a Justice of the Peace of Prince County, that he will diligently, faithfully and impartially, and to the best of his ability, discharge the several duties appertaining to the office to which he has been appointed, so long as he shall hold the same.

Officers to be sworn.

63. No person shall be capable of acting as clerk, wharfinger, or in any other office or capacity accountable for the revenues or any part thereof, until he shall have entered into a bond to the said Town with two sufficient sureties, to be approved of by the Council in such form and for such penal sum as the Council may approve of, or by any Bye-Law prescribed, conditioned to account for and pay over to the said Town all moneys received by him on behalf of the said Town.

Certain officers to give bonds.

64. The Town Clerk shall receive all taxes, rates, assessments, fines, penalties, imposts or other moneys, payable by the inhabitants of the said Town, or any other person, on account of the revenues thereof, under and by virtue of this Act, or of any bye-laws to be made by the Town Council under the authority of the same, and shall deposit the same in such bank as the Council shall from time to time direct.

Town clerk to receive moneys.

And deposit in bank.

65. All moneys deposited as aforesaid shall be withdrawn only by order in writing of the Council, to be signed by the Chairman, or in

How moneys paid out.

his absence by the presiding Councillor at any meeting of the Council when such moneys were ordered to be paid and countersigned by the clerk and not otherwise.

Council to
publish state-
ment receipts
and expendi-
ture, & other
information.

66. It shall be the duty of the Council to publish as they may deem fit, and not later than the twentieth day of September, in each year, a full and detailed statement of the receipts and expenditures of the said Town, or on account thereof during the past year, and in every such statement the different sources of revenue and the amount received from each, the several appropriations made by the said Council, the objects for which the same were made, and the amounts of money expended under each, shall be clearly and particularly specified, together with the amount of assessments, the amounts actually received from such assessments and a detailed account of the application thereof; and such statements and accounts shall be made up to and including the thirty-first day of August preceding such publication in each year, which said last mentioned date shall be the last day of the financial year of the said Town; such account shall be signed by the Chairman and Town Clerk, and audited by the auditors to be appointed as hereinbefore provided.

Financial
year.

Officers in-
trusted with
moneys to be
accountable
to Council.

67. All Boards, Commissioners, and other officers appointed to act under the authority of the said Council, and intrusted with the collection or expenditure of any moneys belonging to the said Town, shall be accountable therefor to the said Council, in such manner as may be ordained and directed by the Bye-Laws and ordinances of the said Council; and the Books

of Accounts of the said Town, showing the amounts, particulars, state and circumstances, and also the receipts and expenditure of the property, funds, taxes and effects, and fees belonging and accruing, or payable to the said Town, or any of its officers, and a full and particular account of the same shall be deposited and kept in the office of the Town Clerk, and shall there be exhibited for the inspection and the examination of every elector of the Town, who may, within the usual office hours, on any business day, apply to inspect and see the same.

Account books, &c., to be kept by Town Clerk, & accessible to electors.

68. If any person holding the office of Chairman or Councillor, shall remove his place of residence without the limits of the Town, or shall be absent from the meetings of the Council for more than two months consecutively except in case of illness, or by the leave of the Council first had and obtained, then and in every such case, such person shall immediately be deemed and taken to be disqualified, and shall cease to hold the office of Chairman or Councillor, and his place shall be filled up by a new election, to be made in the manner hereinbefore directed for holding election.

What shall vacate Councillor's seat.

69. If any person duly elected a member of the Council shall neglect or refuse to accept the same, or to take the oath of office as herein provided, within ten days after such election, or if any person should die or become disqualified, or resign, the Council shall cause a new election to be held to fill such vacancy, and shall within ten days after such vacancy shall have happened, direct the Clerk to give public notice of such election.

If Councillor refuses to accept or take oath, or in case death or resignation, new election to be held.

Election how held.

70. Such election shall be held in the manner as hereinbefore provided for elections under this Act.

Council to make bye-laws.

71. It shall be lawful for the said Council at a meeting or meetings thereof, composed of not less than four members, to make such bye-laws as to them shall seem meet for the good weal, peace, and welfare of the said Town, and the good government thereof, and to impose by such bye-laws such fines not exceeding thirty dollars, and such imprisonment not exceeding three months, as they may deem proper for enforcing the same, and from time to time, with and subject to the same limitation with respect to penalties, to make, ordain, enact, revise, alter and amend such bye-laws as they may deem proper, which for greater certainty but not so as to restrict the generality of the foregoing terms of this section, are declared to be for the purposes following :—

and impose penalties for breach of same.

and to amend bye-laws.

Markets and Auctions.

(1) To regulate and manage the market or markets, and to establish and regulate market days and fares, and to license and regulate all auctions and auctioneers, and all sales of goods by public auction within the said town.

Weights and measures.

(2) To regulate the manner of selling weighing and measuring butcher's meat, fish, vegetables, grain, hay, straw and fodder, and grant licences for the due weighing and admeasurement thereof.

Sale of Produce.

(3) To regulate the purchase and manner of selling vegetables, fruit, country produce, poultry, and all other articles and

things, or of animals openly exposed or marketed.

- (4) To regulate all vehicles, vessels, and other things in which anything may be ^{vessels in which produce offered for sale.} exposed for sale, or marketed in any street or public place, and to seize, and destroy all tainted and unwholesome meat, ^{Unwholesome articles food.} poultry, fish and other articles of food, and to impose and recover such reasonable penalties as may be found proper ^{Penalties.} upon the person or persons exposing for sale such tainted or unwholesome articles within the said Town.
- (5) To regulate the assize of bread, and ^{Bread.} provide for the seizure of bread baked contrary thereto, and to impose penalties upon the person so baking contrary to the provisions of any Bye-Law to be made in that behalf.
- (6) To regulate and provide for the erection, ^{Wharves docks & tolls} management, and the renting of wharves, piers, quays, landings and docks in the said Town, owned by the said Town, and for the collection of the rent thereof, and the toll to be paid for vessels and steamboats touching thereat and using the same.
- (7) To regulate carters, wagoners, and cart- ^{Carters and their loads.} men, the price to be paid to them for hauling loads in the said Town, and the quantity to comprise a load.
- (8) To punish persons guilty of vice and ^{Vice.} immorality, and indecency in the streets or other public places within the said Town.

Obscene language.

(9) To punish persons guilty of abusive and insulting language in the streets of the said Town.

Infectious diseases.

(10) To prevent the spreading of infectious or other diseases.

Billiard Tables, &c.

(11) To tax or regulate Billiard Tables, Bowling Alleys, or other places of amusement.

Exhibitions, theatres, &c.

(12) To restrain or to regulate the licensing of all exhibitions within said Town of natural or artificial curiosity, and all theatres, circuses, and other shows or exhibitions for hire or profit.

Cattle Pounds

(13) To establish and regulate one or more Pounds, and the fees to be taken thereat.

Horses, &c., at large.

(14.) To restrain, regulate, and prevent the running at large of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same.

Dogs.

(15) To impose a tax on the owners or the harborers of dogs, and to regulate and prevent dogs running at large, and provide for killing of such as are found so running at large contrary to any law or Bye-law.

Nuisances.

(16) To abate and cause to be removed all public nuisances and all filth or encumbrances in the said Town.

Vaults and sinks.

(17) To regulate the construction of privy vaults and sinks on private property.

Enclosure of vacant lots.

(18) To cause vacant lots, in central situations, when they become nuisances, to be properly enclosed at the cost and expense

of the owner, and to recover such expenses with costs in a summary manner.

- (19) To prevent the ringing of bells, blowing of horns, shouting, and other unusual noises, in streets and other public places. Ringings of bells, &c.
- (20) To purchase, enclose, plant, lay out and adorn any public square, park or parade, for the use of the Town, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishment by fine or imprisonment, or both, for the violation or non-observance of such rules. Adornment of parks. and preservation thereof.
- (21) To prevent immoderate driving or riding within the said Town. Immoderate driving.
- (22) To regulate and license the owners of livery stables, or other owners of horses or carriages, letting out the same for hire or profit, and also porters, butchers and hucksters. License livery stables. Butchers, hucksters, &c.
- (23) To establish a police force for the said Town. Police force.
- (24) To erect, preserve, and regulate public cisterns, reservoirs and public conveniences for the supply of good and wholesome water, and for the extinguishing of fires, and to make reasonable charges for the use thereof. Water supply.
- (25) To establish, make and regulate public fountains, pumps and wells, and to prevent the waste and fouling of public water. Water Fountains.
- (26) To prevent or regulate the firing of guns or other fire-arms. Firearms.

- Fireworks.** (27) To prevent or regulate the firing or setting off of squibs, fire-balls, crackers, or other fireworks.
- Gunpowder, &c.** (28) To regulate the keeping or transporting of gunpowder, or other explosive combustible or dangerous substances.
- Ashes.** (29) To regulate and require the safe keeping of ashes in proper deposits.
- Chimneys.** (30) To enforce the proper cleaning of chimneys.
- Firebuckets.** (31) To regulate the number of fire buckets to be provided by the several inhabitants, and the time and manner in which they shall be so provided; and also to provide for the management and examination of such buckets, and the use of them at fires.
- Assistance at fires.** (32) To regulate the conduct and enforce the assistance of the inhabitants at fires, and for the preservation of property thereat.
- Lockup.** (33) To establish a lockup for the purposes of detaining prisoners.
- Suppression of fires.**
Demolishing of houses. (34) To make regulations for the suppressing of fires, and the pulling down or demolishing of adjunct houses, and remunerating the owners thereof in certain circumstances.
- Ladders.** (35) To compel the owners or occupiers of houses to have ladders leading to and on the roof of such houses.
- Fire Companies.** (36) To establish and regulate engines, fire-hook and ladders, and property saving

Companies, and to provide and afford exemption and immunities to the officers and members thereof.

- (37) To provide for the purchase of such Fire Engines. and so many fire engines as they may deem necessary.
- (38) To provide for the payment of such Premiums to Fire Companies. premiums or reward for early attendance of wagons and other vehicles with water at fires, as to the said Town Council may from time to time seem expedient.
- (39) To appoint from time to time such Fire Wardens and so many persons to be Fire Wardens, as the Council may think proper, and to enact rules and regulations, prescribing the duty of such Fire Wardens.
- (40) To regulate the management, and provide for the security of public property of Improve-ments of public property. any kind belonging to the said Town; and to provide for the permanent improvement of the said Town, as well ornamental as useful.
- (41) To provide for the erection, preservation and security of Lamp posts, signboards, &c. Lamp-posts, Signboards, and other fixtures within the Town.
- (42) To regulate the erection of division Fences. fences, and for compelling persons owning or occupying lands adjoining each other to make their respective parts or proportions of the fence between them in said Town, and to appoint fence viewers.

Lighting the town.

(43) To provide for defraying out of the funds of the Town, if it be deemed necessary, the expense of lighting the same, or any part thereof, with gas, oil, or other substances, and for the performing of any work required for the purpose of supplying the said Town with gas, oil, or other substances, and for compelling the proprietors or occupiers of real property to allow such work to be done, and to permit such fixtures as may be necessary to be placed in and about their premises, such work and fixtures to be at the cost of the said Town; and to provide for the erection of all works connected with such lighting, or that may be necessary to furnish a supply of gas, oil, or other substances for the inhabitants of said Town; and generally to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested in the said Town Council, or in any officer or department of the same, subject to the limitations, with respect to penalties, contained and prescribed in and by this Act.

Repairs to streets.

(44) With the sole control and exclusive power to open, lay out, regulate, repair, amend and clean the streets, lanes, and alleys now existing, or that may hereafter be found necessary within the said Town, and of such parts of highways and by-roads, (if any) as may be within the limits thereof, and of putting and building drains, sewers, culverts, and bridges therein, and to prevent the encumbering the same in any manner, and to protect the same, and

Building sewers.

every part thereof, from encroachment and injury, by such laws and ordinances as the said Council may from time to time enact and establish for the purpose aforesaid; and for making, repairing, lighting, watching, planting and draining, any or any part of the streets, squares, commons, lanes, alleys, walks, sidewalks, crossings, roads, bridges, wharves, docks, slips and shores, now laid out, or erected within the limits of the said Town, and to regulate or prevent the encumbering, injuring or fouling of the same, by any animals, vehicles, ^{Planting streets, &c.} vessels, crafts, lumber, building or other materials or things, in any way or manner whatsoever, and to make, ordain and enforce by-laws and regulations for the confiscation, sale, removal or destruction of ^{& prevent encroachments} any such encumbrances, or any such nuisance, and to impose penalties on the owners or persons placing the same in such places, and to levy and recover the same by distress and sale of goods, or to award punishment therefor by the imprisonment of the party so violating the provisions of this Act, as may seem discreet and proper in the respective cases, and to regulate the breaking of the roads and streets of the ^{Breaking of roads.} said Town in winter, and to require the owners of horses and other teams and other inhabitants of the said Town to assist thereat, and to provide for erecting, making or repairing any common sewer, drain, flagging, posts or pavements of stone, deal plank, or other material in any public square, street, or place, or for assessing the ^{Assess for improvements.} proprietors or lessees of such real property

Removal of
obstructions.

No authority
to open roads
under this act

as will be immediately benefitted by such improvements, and to regulate the time and manner in which such assessment shall be collected and paid, and for directing and causing the removal at any time of any erections, projections or obstructions whatsoever, which may project into or over any public street, square, or road at the expense of the proprietors, or of the occupants of the real property in or near which such erection, projection or obstruction may be found; provided that nothing in this Act contained shall extend, or be construed to extend, to authorize the opening of any streets, roads or highways through the private property of any person or persons without complying with the provisions of any Act or Acts of this Province for providing for the awarding of damages to any person or persons who may be injured thereby.

Slaughter
houses, &c.

(45) To prevent and regulate the erection or continuance of slaughter houses, tanneries, breweries and distilleries, or other manufactories or trades within the Town of Summerside, which may prove nuisances.

Debentures
to pay for
Market House

72. The Town Council shall have full power and authority to issue Debentures to an amount not exceeding two thousand five hundred dollars, for money borrowed or debt incurred for the Market House of said Town, and paying off the said debt and for no other purpose, and in security for the payment of the same or any part or portion thereof shall, and they are hereby authorized to issue debentures under the hand of the Chairman and any two members of

the said Council, countersigned by the Town Clerk and sealed with the Seal of the said Town in such form as the said Council may adopt, and they shall be made payable to the company, firm, bank, corporation, or any person or persons from whom such money or any part thereof shall be or is borrowed, and to the successors, endorsers or assigns, of any such company, firm, bank, corporation, or any other firm or persons so lending the same as aforesaid at any time or times, not exceeding twenty years from the date of the issuing thereof with interest thereon, to be payable either yearly or half yearly at a rate not exceeding six per centum, per annum, which debentures and interest shall be a charge upon all moneys raised under the authority of this Act, and shall be expressed as payable out of the general funds of the Town of Summerside, provided always that no firm or persons receiving such debentures shall be bound to see to the appropriation of the money payable therefor.

Form of De-
benture.

When payable

Rate of inter-
est.

73. All fines, penalties and forfeitures to be recovered under the provisions of this Act or by virtue of any by-law made by the said Town, or hereafter to be made, ordained, and enacted under the authority thereof, shall and may be sued for, recovered and enforced on the oath of one or more credible witness or witnesses, before the Stipendiary Magistrate for the time being, who is hereby constituted a court for the trial of all complaints, suits, prosecutions or controversies arising under this Act, or the said by-laws, or any of them, and such fine, penalty, or forfeiture may be levied and recovered by warrant of distress of the goods and chattels of

Recovery of
penalties.

Party in default may be imprisoned.

In whose name prosecution conducted & how.

the person so violating or neglecting to comply with the provisions of this Act, or said by-laws, under the hand and seal of the said Stipendiary Magistrate, and in default of payment of such fine, penalty, or forfeiture, or for want of sufficient goods and chattels of the person so violating or neglecting to comply with the provisions of this Act or any such by-law whereon to levy such fine, penalty or forfeiture, together with the costs and charges for distraining and selling the same, to commit the person or persons so violating or neglecting to comply with the provisions of this Act, or any such by-law, to the common jail of the said County for such period, not exceeding three months, as the said Stipendiary Magistrate shall direct, unless the by-law against which the offence is committed prescribes a less period, and all such complaints, suits, prosecutions and controversies, shall be commenced by summons or warrant in the name of the Town Clerk, and the proceedings shall be *viva voce*, and conducted in a summary way, as directed by the Acts of Parliament of Canada, relating to the duties of Justices of the Peace out of session in relation to summary convictions or orders, or according to the practice of County Courts as the case may require, and judgment shall be given as the very right of the matter may appear, without regard to technical objections, imperfections, or defects, which do not affect the substantial justice of the case.

By-laws to be effectual when approved.

74. All By-laws hereafter to be passed and enacted by the said Council shall be of full force and effect from the time the same are approved of by the Lieutenant Governor in Council, and

shall be as legal and binding as if incorporated in and forming part of this Act, and shall be published for at least two weeks in some newspaper published in the said Town (if any) immediately after the passing thereof.

To be published.

75. Any by-law or by-laws heretofore passed or hereafter to be passed by the said Council, either authorizing the levying, raising, or collecting of any assessment rates or taxes, or for any other purpose whatsoever, signed by the Chairman of said Council and the Town Clerk, and having affixed thereon or thereto the Seal of the said Town, and approved of as aforesaid, shall be absolute and conclusive evidence of proof whenever offered in any suit or proceeding in any Court of Law or Equity in this Island, not only that such by-law or by-laws was or were legally enacted and passed, but also that every pre-requisite necessary to enable such by-law or by-laws to be enacted or passed was had and done and happened and existed and no further or other proof than the mere production of such by-law or by-laws shall be necessary to make it or them such evidence as aforesaid: provided nothing herein contained shall be construed to give any validity to by-laws that are *ultra vires*.

By-laws how received as evidence.

Proviso.

76. It shall be lawful for the said Council at any meeting or meetings thereof composed of not less than four members, by any by-law or by-laws for that purpose to be passed to assess, levy, collect and raise for the purposes of the said Town, and the public schools thereof, all such sum or sums of money as they may from time to time deem necessary, such assessment or rates shall be assessed or levied on any real

Council to levy assessment for general purposes.

and personal property within the Town, or upon the owner or occupier thereof in respect to such property, and upon the poll of the inhabitants, and every assessment shall be for the year in advance, ending upon the thirty-first day of August next following the assessment thereof:

Premises ex-
empt from
taxation.

Provided always that all churches, chapels, or places of public worship actually used by any religious body or society for the purpose of divine worship, and also all buildings used as permanent educational establishments, and the lands and premises immediately connected therewith shall be exempt from any taxation under the authority of this Act.

Explanation
of personal
property.

77. The term "personal property" shall include all household furniture, goods, chattels, wares and merchandize kept in public or private places, or in the Queen's or other public warehouses, and stocks in public or private companies, water, gas, fire, marine or life insurance companies or associations, or other joint stock companies or corporations, whether public or private, doing business within the Town.

How stock
corporations
rated.

78. All banking companies, corporate and joint stock companies or agencies doing business in the said Town, shall be rated as if holding one hundred dollars of property for every six dollars annual net income or profit derived from their business, whether the profits of the year are declared or reserved, and every president, secretary or manager, cashier, treasurer, or in the case of a branch thereof, the resident agent shall annually, on or before the fifteenth day of March in each year, make an affidavit in writing before a Justice of the Peace, containing a precise statement of the annual net income

Corporation
to make re-
turn.

of the company or corporation derived from their business done within the said Town, during the year ending on the twelfth day of March preceding, or such other date within the year ending the said twelfth day of March, as shall be the usual period of any such company or corporation for closing and balancing their accounts.

79. The party making such affidavit shall file the same immediately with the Town Clerk, and the assessors shall estimate the amount for which they shall be rated accordingly, on default of this statement being duly filed, the assessors may rate the company's or corporation's income according to the best information they can obtain, and the company or corporation shall in addition to the rate pay to the Town one hundred dollars for the neglect or omission of their officers or agents in not furnishing the statement of their profits by affidavit, the same to be recovered in any competent court and to be sued for in the name of the Town Clerk; should the assessments be ordered to be made subsequent to the month of August in any year, such companies or corporations may be taxed on their profits of the year immediately preceding the levying of such assessment.

In default of
return, duty
of Assessors.

Penalty for
default in
making re-
turn.

80. It shall be lawful for the said Council by a by-law to allow such rate of discount as may be considered expedient on all assessments, taxes, and rates paid within such time after the completion of the assessment in each year as the said Council shall fix upon and set forth in such by-law.

Discount on
taxes.

81. Every male inhabitant of the age of twenty-one years and upwards, resident in the

Poll tax.

Town at the time of levying such assessment, and who is not specially exempted by the said Council, shall be rated and assessed in a sum not exceeding two dollars annually as a poll tax for school and town purposes.

Assessment
book.

82. Immediately after the assessors have been sworn into office, the Town Clerk shall furnish them with an assessment book, with printed headings, and with columns ruled as the Council may direct.

Assessors'
duty.

83. The assessors on receipt of such assessment book shall proceed by diligent enquiry to ascertain the names of all persons, non-resident as well as residents, liable to be assessed in respect of their real or personal property, or both, and the extent, amount, and nature and cash value thereof, respectively, with a general description of the real estate as hereinafter mentioned, and the names of all persons liable to pay poll tax, and shall return such assessment book, signed by them, to the Town Council in forty days after receipt thereof in order that the rate of assessment may be fixed by them.

Assessors to
ascertain
names, &c.

Assessors
may correct
errors.

84. If in any assessment as aforesaid it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted on the assessment book, or if any error shall occur in the addition, extension or apportionment of any such assessment, it shall be lawful for the assessors to correct such errors, and supply such omissions at any time.

What shall be
a sufficient
description of
real estate.

85. Real estate assessed under this Act shall be sufficiently described and identified if

designated by reference to the street, or town lot on which it is situated, and the owners or occupiers of the land on either side, without giving courses or further metes or bounds, and no other or further description shall be necessary.

86. The undivided real estate of a deceased person may be assessed to his heirs or devisees without designating them by name, or to the executors or administrators of the deceased, or in case the interests are known, may be assessed to the owners of such interests respectively, and except in the last mentioned case each person interested shall be liable for the whole of the amount assessed against the estate.

How undivided real estate may be assessed.

87. Where there exists undivided interests in real estate (other than in the preceding section mentioned) and the assessors cannot obtain the names and estates of the different owners, the whole estate may be assessed in the name or names of such of the owners as may be known to the assessors or appearing on the Registry of Deeds, but under such description as to persons and property as shall be sufficient to distinguish between such assessment and that upon the same person or persons assessed in respect of his other property.

How undivided real estate may be assessed where names, &c., of owners cannot be obtained.

88. Real estate held in trust shall be rated in the name of the trustee, and real estate held as the separate property of a married woman shall be rated in the name of her husband unless she is living separate and apart from her husband, in which case it shall be rated in her own name, and the real estate when the assessors cannot obtain the name of any of the owners,

How real estate held in trust, &c., shall be rated.

shall be rated in the name of the occupier or person having ostensible control thereof, but under such description as to persons and property in the cases herein referred to except in that of the separate property of a married woman as shall be sufficient to indicate the property assessed and the character in which the person is assessed.

Real estate of
infant.

89. Real estate belonging to an infant shall be assessed either in his or her own name, or in that of the parent or guardian, or the person ostensibly exercising control over it, and under such description as shall indicate the property and capacity of the person assessed, but no sale of such property for any default in payment of rates shall be made, unless upon an order of a Judge of the Supreme Court first had and obtained.

Real estate of
corporation,
&c.

90. Real estate belonging to a corporation, or any joint stock company, shall be assessed in the name of the corporation or of the president, manager, or agent thereof, but under such description as shall be sufficient to distinguish between the present manager or agent as such, and that made upon him in respect of property held in his own right; assessments made upon a corporation under this section shall be payable by and recoverable from the president, manager, or agent for the time being, and out of his or their private estate, notwithstanding that the assessment may have been made in the name of the former president, manager or agent, or may be recovered out of the property of the corporation.

Computation
of amount
payable for
assessment.

91. Immediately after the Council shall have specified the rate of assessment severally

to be levied upon real and personal property and the poll tax, the Town Clerk shall compute the amount payable by each person, partnership or corporation therein named, according to the valuations returned by the assessors and the rate levied by the Council, and shall insert such amount opposite each of the respective names, distinguishing in separate columns between real and personal estate and poll tax.

92. The Town Clerk shall forthwith after he has computed the amount payable as aforesaid, serve or cause to be served upon each person, partnership, or corporation named in the said assessment book residing or doing business in said Town, a written or printed, or partly written or partly printed notice, (Forms N and O,) containing the amount of the tax and the time within which it is to be paid or appealed from, and distinguishing the amounts respectively payable on real and personal property and poll tax; such notice may be left at the last place of abode of such person with some adult person of his family then present, or at his place of business with his clerk or agent, and in case of partnership, with some member or clerk thereof, and in corporations with the president, manager, cashier or other officer of such corporation at its place of business.

Town Clerk
to serve
notices.

93. The person serving such notice shall at the time of such service enter the date and manner of such service on the counterpart or duplicate original of such notice, and such entry shall in all cases be *prima facie* evidence of such service.

Entries to be
made by per-
son serving
notices.

94. Every person desirous of appealing from any assessment or rate as aforesaid, shall, within

Appeal.

twenty clear days from the service of the notice of assessment in manner as by this Act required, signify such his desire in writing and file the same in the office of the Town Clerk, who shall immediately endorse the date of the receipt thereof.

Notice of appeal.

95. Such notice of appeal shall state the grounds of objection to such tax, and on the hearing of such appeal it shall not be competent for the person appealing to raise or submit any further or other grounds of objection than these stated in such notice.

Hearing by Stipendiary Magistrate.

96. The Stipendiary Magistrate shall, at the times and places to be fixed by him and duly advertised for such time and in such manner as he shall determine, hear all objections of rate payers who shall have duly appealed as aforesaid, and such Stipendiary Magistrate shall have full power to hear all evidence produced either on the part of the Town Clerk or the party appealing, and adjudicate upon and determine every such appeal, and give final judgment, (Forms P and Q) either by confirming or reducing the amount of such tax, or by allowing the appeal absolutely, and shall also have power to award costs in any case, either against the Town Clerk or against the party appellant as he shall determine. Every judgment given by the Stipendiary Magistrate on any such appeal shall be final and conclusive, and execution may issue for the recovery thereof. The execution may be in Form R. and S.

Town Clerk to post notices.

97. The Town Clerk shall post or cause to be posted a notice (Form T,) by registered letter through the post office at Summerside,

addressed to each person, partnership or corporation, whose names appear on the assessment book charged with the assessment on land in the said Town and do not reside therein.

98. The person posting such notice shall enter the date of posting the same on the counterpart or duplicate original thereof, and such entry shall be *prima facie* evidence of the posting of such notice.

Entries to be made by person posting notices.

99. If the amount of tax mentioned in said notice be not paid or appealed from within the time therein mentioned, the Town Clerk shall publish for three weeks in the *Royal Gazette* for this Province, and in at least one newspaper published in the said Town, if any, a list (Form U,) containing the names of all non-residents to whom notices have been posted as aforesaid, their respective residences so far as known, and the amount due from them respectively, with a statement of the street or streets upon which is situate the premises so in default, but without any further description of the property, excepting and removing from such advertisement at any time during the period of such publication the names of those who may sooner pay the amounts severally due by them with their respective proportion of the expenses.

On default of payment, &c., names, &c., of non-resident tax payers to be published.

100. The Town Clerk may at such time mentioned in such publication make application to the Stipendiary Magistrate for judgment against the respective lands therein referred to for the amount of tax due thereon respectively and costs, including expense of advertising the same as aforesaid.

Application for judgment.

Judgment by
Stipendiary
Magistrate.

101. The Stipendiary Magistrate upon proof of the posting of such notice as aforesaid, and the due publication of said list as required by this Act, and that the land mentioned in such notice, and that referred to in said list, are respectively the same, shall give judgment against such piece of said land in his Court in Form V.

Decision final

102. The decision of the Stipendiary Magistrate upon the identity of said land shall be final and conclusive.

Proof of no-
tice, &c.

103. The proof of the posting of such notice and the publication of said list shall be by affidavit before the Stipendiary Magistrate, which shall be filed with him.

Execution.

104. The Stipendiary Magistrate is hereby authorized after such judgment whenever application is made to him by the Town Clerk to issue execution in Form W under his hand and seal against any lands against which such judgment has been given as aforesaid to the Sheriff of Prince County, directing him to sell at public auction to the highest bidder such portion of said lands as the Sheriff may deem sufficient to pay such assessment and all costs and expenses, and such Sheriff shall advertize such lands so to be sold by metes and bounds in the "Royal Gazette," and one newspaper published in the Town of Summerside, if any, for thirty days, and shall sell such lands so advertized to the highest bidder, and after such sale shall execute to the purchaser thereof a deed in fee simple of such lands in Form X.

Deed of land
sold by Sheriff

105. Such deed from the Sheriff, (Form X) shall, when executed and registered, vest in

the purchaser thereof an absolute estate in fee simple to the lands so sold and conveyed, subject however to the owner's right to redeem the same upon payment or tender of the purchase money so paid by him to the purchaser within two years from the registry of the deed together with interest at four-per cent.

106. In case any surplus shall remain in the Sheriff's hands from the sale of any such lands after paying the rates, assessments and costs incident to the advertising and sale thereof, he shall pay the same unto the Town Clerk generally and without mentioning any name or names, but particularly specifying such lands, and the owner of such lands on application to a Judge of the County Court, and proof of his right thereto, shall obtain an order for the payment to him of such money. Surplus.

107. In all cases of non-payment of taxes by residents of said Town within twenty days after the service of such notice as aforesaid (if the same be not appealed from) the Town Clerk may at any time thereafter cause a summons (Forms Y and Z) to be issued out of the Small Debt Court of said Town, and sue for the recovery thereof. Summonses
for residents.

108. The Stipendiary Magistrate upon proof upon oath that such notice has been served or left as aforesaid, and that the tax has not been paid, shall give judgment Forms (A A, and B B) against the person or persons, or partnership, or corporation for the amount of his, her, their or its unpaid tax with costs. Judgment by
Stipendiary
Magistrate.

Executions.

109. Executions (Forms R and W) may be issued on said judgment at any time thereafter until the same is satisfied

Duration of execution.

110. Every execution for the sale of lands under this Act shall continue in force for three months from the date thereof, and at the expiry of such period the Sheriff shall return the same to the office of the Town Clerk with his doings endorsed thereon, and every such execution may be renewed from time to time, which renewal shall be by resealing the same and entering or making thereon a memorandum of the date of such resealing until execution is completed, and every execution issued for the recovery of tax on personal property or poll tax may be executed at any place within Prince County by the officer to whom it is directed and shall continue in force until it is executed.

From whom assessment may be recovered.

111. Any assessment with which any real estate within the said Town may be legally assessed may be executed and recovered either from the owner of the real property so assessed or from any person occupying the same or any part thereof, either as a tenant or otherwise, and when any such assessment shall be paid by any tenant not bound to make such payment by the lease or other agreement under which he occupies such real estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the real estate so assessed; provided always that a judgment obtained or execution issued against either party, proprietor or tenant, shall not hinder proceedings against the other party

for the payment of the said assessment if the same cannot be had or obtained from the party first proceeded against.

112. Any execution issued out of the Small Debt Court of the Town of Summerside upon any judgment obtained therein by virtue of the Act Forty-first Victoria, chapter fifteen, intituled "An Act to amend an Act to incorporate the Town of Summerside," shall be valid and effectual in any part of Prince County and may by any officer to whom it is directed be executed therein as fully as it might now be in the said Town.

Validity of execution from Small Debt Court of Summerside.

113. A plan of the Town of Summerside made by James Campbell, Land Surveyor, in, and now filed in, the office of the Town Clerk, shall be and be deemed to be the official plan of the said Town of Summerside, and descriptions of all lands proceeded against for rates and taxes and assessment may be described by reference to such plan.

Official plan.

114. The fees set forth in the Schedule to this Act shall be the fees chargeable for the documents and services therein named, and no other fees shall be allowed or charged.

Fees.

115. All taxes now due the said Town of Summerside may be collected under the provisions of the Act of the Forty-seventh Victoria chapter fifteen, intituled "The Summerside Incorporation Amendment Act, 1874," in the same way and manner as if the clauses of the said Act were herein re-enacted.

How taxes now due may be collected.

Jail.

116. The jail of the said County of Prince County shall be the jail of the said Town for all the purposes of this or any other Act referring to the local affairs of the said Town.

Proceedings
in name of
Town Clerk.

117. Whenever the Town Clerk of Summerside is by this Act directed to commence to take any legal proceedings, the same may be taken and had in the name of the Town Clerk of Summerside without designating him by name, and execution may be issued by any Town Clerk for the time being upon any such judgment so obtained.

By-laws to be
approved by
Lieut. Gov. in
Council.

118. The by-laws made in pursuance of this Act shall not have any power or effect until they are approved of by the Lieutenant Governor in Council.

Short title of
Act.

119. This Act may be known and may be cited as "The Summerside Incorporation Act, 1886."

SCHEDULE A.

CIVIC ELECTION FOR THE TOWN OF SUMMERSIDE.

Notice of
Election.

Public notice is hereby given to the electors of the Town of Summerside that they are required on the day of A. D. 188 , between the hours of nine in the morning and four o'clock in the afternoon, to nominate at the office of the Town Clerk in Summerside, a person to fill the office of Chairman, and six persons to fill the office of Councillors (or otherwise as the case may be) for said Town, and further in case a poll be required, such poll will be opened on the day of A. D. 188 . (place where it will be held) from the hour of nine in the morning until five o'clock in the afternoon of such last mentioned day, of which all per-

sons duly qualified to vote are hereby required to take notice and govern themselves accordingly.

Given under my hand at the said Town of Summerside, the day of A. D. 188 .
A. B., Town Clerk.

SCHEDULE B.

NOMINATION PAPERS.

We, the undersigned Electors of the Town of Summerside, hereby nominate C. D. as a candidate ^{Nomination paper.} at the elections now about to be held for Chairman, and E. F. and G. H. (as the case may be) as candidates for Councillors.

Witness our hand this day of A. D. 188 .

SDHEDULE C.

Return when there are no more candidates than the number required to be elected.

I certify that C. D. is elected Chairman of the Town Council, and E. F. and G. H. (is or are) ^{Return when no poll taken.} elected Councillors of the said Town Council (as the case may be) no other candidates having been nominated for said offices.

(sg'd.)

A. B.,

Town Clerk of the Town of Summerside.

SCHEDULE D.

COMMISSION TO RETURNING OFFICER.

To I. J. (name, occupation and residence.)

Know you that you are hereby authorized and required to open and hold a poll for the election of (Chairman and Councillors as the case may be) for the Town of Summerside, on the day of

A. D. 188 , at nine o'clock in the forenoon (here describe place at which the poll is to be held) and there to keep the said poll open during ^{Commission to returning officer.} the hours prescribed by law, and to take at the said

polling place by ballot in the manner by law provided, the votes of the electors voting at the said election. and after counting the votes given, and performing the other duties required of you by law, to certify to me on the back hereof forthwith the name of the candidate for the office of Chairman having the greatest number of votes, and the names of the candidates (as the case may be) for the office of Councillors having the greatest number of votes, and also return to me the ballot box and ballots, voters list, poll book, and other documents required by law, together with this warrant.

Given under my hand and the Corporate Seal of the Town of Summerside, at Summerside this

day of A. D. 188 .

(Sg'd) A. B.,

L. S. Town Clerk of the Town of Summerside.

SCHEDULE E.

BALLOT PAPER AND DIRECTIONS FOR VOTING.

Election of Chairman or Councillors (as the case may be).

CHAIRMAN :

- 1.—K. L.
- 2.—M. N.

COUNCILLORS :

- 1.—O. P.
- 2.—Q. R.
- 3.—S. T.

Directions for guidance of Electors voting :—

The voter is to vote only for as many candidates for each office as are required to be elected, but must vote for as many candidates as are required to be elected.

The voter will go into a compartment, and with pencil there provided, place a cross in the division containing the name of the candidate for each office for whom he votes, thus †

Ballot, paper
and direc-
tions for vot-
ing.

The voter will then fold his ballot so as to show a portion of the back only with the initials of the Returning Officer, who will place it in the ballot box, the voter will then forthwith quit the polling station.

Ballot paper
and direc-
tions for vot-
ing.

If a voter inadvertently spoils a ballot paper, he can return it to the Returning Officer, who on being satisfied of the fact will give him another.

If the voter votes for more candidates for each office than there are vacancies required to be filled up, or does not vote for as many candidates as there are vacancies, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and not counted.

If a voter takes his ballot paper out of the polling station, or fraudently puts any other paper into the ballot box than the ballot paper given him by the returning officer, or shall show his ballot paper after he has marked it, his ballot shall not be counted, nor shall he again be allowed to enter the polling station during the election.

SCHEDULE F.

OATH OF RETURNING OFFICER.

I, the undersigned I. J., appointed Returning Officer for the election of Chairman or Councillors (as the case may be) for the Town of Summerside, solemnly swear (or solemnly affirm) that I will act faithfully in my said capacity of Returning Officer without partiality, fear, favor or affection.

Oath of re-
turning off-
icer.

So help me God,

I. J., Returning Officer.

Sworn to before me at Summerside, in Prince County, in Prince Edward Island, this day
of A. D. 188 .

Signature

W. N.,

J. P. for Prince County, or for Prince Edward Island.

SCHEDULE G.

COMMISSION OF A POLL CLERK.

To V. W., (insert his legal addition and residence).

Commission
of Poll Clerk.

Know ye that in my capacity of Returning Officer for the election of (Chairman and Councillors as the case may be) for the Town of Summerside, I have appointed and do hereby appoint you to be Poll Clerk for the said election.

Given under my hand at Summerside, this
day of in the year 188 .

(Signed)

I. J.,

Returning Officer.

SCHEDULE H.

OATH OF POLL CLERK.

Oath of Poll
Clerk.

I, the undersigned V. W. appointed Poll Clerk for the election of (Chairman or Councillors as the case may be) for the Town of Summerside, do solemnly swear (or do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, according to law, without partiality, fear, favor or affection.

So help me God.

V. W.

Sworn to before me at Summerside, in Prince County, in Prince Edward Island, this day
of A. D. 188 .

I. J., Returning Officer, or
W. R. Justice of the Peace.

SCHEDULE I.

OATH OF AGENT OF A CANDIDATE OR OF ELECTOR
REPRESENTING A CANDIDATE. .

Oath of agent,
&c.

I, the undersigned Y. Z., agent for or clerk representing Q. R., one of the candidates at the election now pending, solemnly swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters may have

marked his ballot paper in my presence at this election.

So help me God.

Y. Z.

Sworn or affirmed before me at Summerside, this
day of A. D. 188 .

I. J., Returning Officer, or
W. X., Justice of the Peace.

SCHEDULE J.

OATH OF IDENTITY OF VOTER.

I do solemnly swear (or affirm) that I am A. B., Oath of identity of voter.
of (as on voters list) whose name is entered on the
voters list now shown to me.

So help me God.

SCHEDULE K.

OATH OF RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, (the returning officer for the election of Chairman or Councillors as the case may be) for the
the Town of Summerside, do solemnly swear (or Oath of returning officer after close of poll.
solemnly affirm) that to the best of my knowledge
and belief the Poll Book kept for the said election
under my direction hath been so kept correctly, and
that to the best of my knowledge and belief, it contains
a true and exact record of the votes given at the
said election, that I have faithfully counted the
votes given for each candidate in the manner by law
provided, and the number of votes given for each
candidate is as follows: I have performed all duties
required of me by law, and that the report, packets
of ballot papers and other documents required by
law to be returned by me to the Town Clerk, have
been faithfully and truly prepared, and placed within
the ballot box.

Signature

I. J.,

Returning Officer.

Sworn before me at Summerside, in the County
of Prince County, this day of A. D.
188 .

Signature

W. X.,

Justice of the Peace.

SCHEDULE L.

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

Oath of poll clerk after close of poll. I, the undersigned Poll Clerk for the election of Chairman or Councillors for the Town of Summerside (as the case may be) do solemnly swear (or do solemnly affirm) that the Poll Book for the said election, under the direction of I. J., who has acted as returning officer therein, has been so kept by me under his direction as aforesaid, correctly, and to the best of my skill and judgment, that the number of votes given for each candidate is as follows :

And to the best of my knowledge and belief it contains a true and exact record of the votes given at the said election (as the case may be) as the said votes were taken at the said Poll by the said returning officer.

Signature,

W. V.,

Poll Clerk.

Sworn (or affirmed) and subscribed before me at
Summerside. this day of A. D. 188 .

Justice of the Peace.

SCHEDULE M.

RETURN AFTER A POLL HAS BEEN TAKEN.

Return after poll taken. I certify that the candidate elected for the office of Chairman in pursuance of the within written warrant as having received the greatest number of votes lawfully given, is K. L., and the candidate or candidates elected for the office of Councillors in pursuance to the within written warrant, as having received the greatest number of votes lawfully given

is (or are) O. P., Q. R., etc. Names, etc., as in nomination paper.

Signature,

I. J.,

Returning Officer.

SCHEDULE N.

POLL TAX NOTICE.

SIR:—You are required to pay the sum of \$ assessed against you as Poll Tax for the year ending 31st day of August, A. D. 188 , within ^{Poll tax notice.} twenty days from the delivery of this notice to you, and if the same be not paid or appealed from within that time, you will be dealt with as the laws direct.

Dated at Summerside the day of
A. D. 188 .

A. B.,

Town Clerk of the Town of Summerside,
To X. Y.

SCHEDULE O.

REAL ESTATE NOTICE—(RESIDENT).

SIR:—Take notice that the assessors have valued your real estate and personal property in the Town of Summerside as follows:— ^{Real estate notice.}

Real estate as described on the back hereof, \$

Personal property as described on the back hereof,
\$

Total amount on which assessment is to be levied.

And the rate of assessment being fixed by the Town Council at the amount due by you for the year ending the 31st day of August, A. D. 188 , is \$, which sum you are hereby required to pay to me within twenty days from the delivery of this notice to you, during which time you are at liberty to appeal, and in default of payment, you will be dealt with as the law directs.

Dated at Summerside, the day of
A. D. 188 .

A. B.,
Town Clerk of the Town of Summerside.

To Y. X.

Endorsement to be on back of the above notice.

Description of property assessed.	Value.	Rate.	Amount.

SCHEDULE P.

JUDGMENT ON APPEAL (against land.)

Dominion of Canada,
Province of Prince Edward Island,
Prince County,
Town of Summerside.

Judgment in
appeal
(against land)

Before the Stipendiary Magistrate for the Town of
Summerside.

Appellant,
and
Respondent.

Whereas the above named appellant has been assessed for real property within the said Town, namely all that (describe the lands) in the sum of \$, and has appealed from said assessment on the ground set forth in his notice of appeal now on file, and whereas the cause coming on for hearing and having heard what was alleged as well for the appellant as for the respondent, I do order and adjudge that the amount of said assessment be confirmed (or reduced to the sum of \$) and that judgment be entered against the said piece of land for the sum of \$ and \$ costs, which

moneys in the whole amount to \$ [or that the said appeal be allowed absolutely].

Judgment signed this day of A. D.
188 .

Stipendiary Magistrate.

SCHEDULE Q.

Judgment in Appeal for assessment on Personal Property or Poll Tax.

Dominion of Canada,
Province of Prince Edward Island,
Prince County, Town of Summerside.

Before the Stipendiary Magistrate of the Town of Summerside.

Appellant,
and
Respondent.

Whereas the above named appellant has been assessed on personal property in the said Town, (or poll tax) in the sum of \$, and has appealed from the said assessment on the grounds set forth in his notice of appeal now on file, and whereas the cause coming in for hearing and having heard what was alleged as well for the appellant as for the respondent, I do order and adjudge that the amount of the said assessment be confirmed [or reduced to the sum of \$] and that judgment be and is hereby entered against the said appellant in the sum of \$ and also \$ for costs which said moneys in the whole amount to \$

Judgment on
appeal (per-
sonal pro-
perty or poll
tax).

Judgment signed this day of A. D.
188 .

Stipendiary Magistrate.

SCHEDULE R.

Execution on Judgment on Personal Property or Poll Tax, on appeal or otherwise.

Dominion of Canada,
Province of Prince Edward Island,
Prince County, Town of Summerside.

Before A. B., Stipendiary Magistrate for the Town
of Summerside.

Execution on
judgment on
personal prop-
erty or poll
tax.

To the Sheriff of Prince County :

Whereas on the day of A. D. 188 ,
judgment was given by the Stipendiary Magistrate
of said Town of Summerside against X. Y., for the
sum of \$ being the amount of taxes due and
owing by the said X. Y. to the said Town of Sum-
merside in respect of his personal property [or poll
tax, as the case may be,] and \$ for costs,
which moneys in the whole amount to \$
which amount remains due and unpaid.

These are therefore to command you that of the
goods and chattels within your bailiwick of the said
X. Y., to be by him pointed out, you cause to
be made the aforesaid sum of \$, and in default
of goods and chattels, take the body of the said
X. Y., and him commit to the jail of Prince County
aforesaid.

Given under my hand and the Seal of the Small
Debt Court of the Town of Summerside, at Sum-
merside aforesaid, this day of A. D.
188 .

A. B., Town Clerk.

Levy for \$, the amount of judgment
within mentioned, &c., &c., besides Sheriff's fees.

A. B., Town Clerk.

SCHEDULE T.

Real Estate Notice to be sent to non-resident.

To

Real estate
notice for
non-resident.

SIR:—Take notice that the land referred to on
the back hereof, and being in the Town of Summer-
side, has been valued by the Assessors at the sum
of \$ and that the rate of assessment on such

real estate being \$ the amount payable by you in respect of such real estate for the year ending 31st August, A. D. 188 , is \$, which sum you are hereby required to pay me within twenty days from the date hereof, during which time you are at liberty to appeal, and if the same be not paid or appealed from within that time, I shall proceed to advertize and sell the said land as the law directs.

Dated at Summerside this day of A. D. 188 .

A. B.,

Town Clerk of the Town of Summerside.

Endorsement to be on the back of the above notice.

Description of land.

Assessed.	Value.	Rate.	Amount.
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SCHEDULE U.

Town of Summerside.

List of non-resident rate payers.

Name of non-resident Rate Payer	Residence as far as known.	Street on which property is situated.	Amount of tax due.	List of non- resident rate- payers.

Notice is hereby given that pursuant to the Summerside Incorporation Amendment Act, 1886. I will after publication hereof for three weeks on the day of next, A. D. 188 , make application to the Stipendiary Magistrate for the Town of Summerside for judgment against each and all the lands above described for the respective amount levied against them and then unpaid, and proceed upon said judgment to sell the lands as by law directed.

Dated this day of A. D. 188 .

A. B.,

Town Clerk of the Town of Summerside.

SCHEDULE V.

Judgment against land of non-resident.

Judgment
against land
of non-resi-
dents.

Dominion of Canada,
Province of Prince Edward Island,
County of Prince, Town of Summerside.

Before the Stipendiary Magistrate for the Town of
Summerside.

Whereas I. G., the Town Clerk for said Town duly posted a notice to A. B. [address] his name appearing in the assessment book as the owner or apparent owner of all that [describe property] that the sum of \$ had been assessed against said land for the current year ending the 31st day of August, A. D. 188 , and did afterwards duly publish a list in the *Royal Gazette* of this Province, and in the newspaper, being a newspaper published in the said Town of Summerside, containing the name of the said A. B. and his supposed address, the description of the said land referred to in the said notice, and showing the amount of tax due thereon as required by law, and whereas the said tax has not been paid nor appealed from [or that the sum of \$ part of said tax is now due and unpaid] and the said Town Clerk has made application for judgment against said lands; therefore it is considered that judgment be and is hereby entered against the said piece of land for the said sum of \$ and \$ costs, which moneys in the whole amount to \$.

Judgment entered this day of A. D.
188

[L. S.]

Stipendiary Magistrate.

SCHEDULE W.

Form of Execution against land, appeal or otherwise.

Execution
against land.

Dominion of Canada,
Province of Prince Edward Island,
County of Prince, Town of Summerside.

Before A. B., the Stipendiary Magistrate of the
Town of Summerside.

To the Sheriff of Prince County :

Whereas on the day of A. D. 188 ,
Judgment was given by the Stipendiary Magistrate
of the said Town of Summerside against all that
[describe land] for the sum of \$, being the
amount of taxes due and owing on the said land, and
\$ for costs, making together the sum of \$
which amount remains unpaid.

These are therefore to command you to levy upon
and sell the said land or so much thereof as in your
judgment shall be sufficient to satisfy the said last
mentioned amount, having first given the notice of
sale so required by law, and you are hereby re-
quired to make due return to me of your doings
herein according to law.

Given under my hand and the Seal of the Small
Debt Court of Summerside, at Summerside aforesaid,
this day of A. D. 188 .

[L. S.]

A. B.,

Stipendiary Magistrate for the Town of Summerside.

Levy for \$ the amount of judgment within
mentioned, and \$ for the execution, besides
Sheriff's fees and all incidental expenses.

SCHEDULE X.

Form of Sheriff's Deed.

To all whom these presents may come :

I of in Prince Edward Island, High
Sheriff [or late High Sheriff] of Prince County,
greeting :—

Whereas judgment was obtained in the Stipendiary
Magistrate's Court for the Town of Summerside on
the day of A. D. 188 , against all
[here describe land] for the sum of dollars
debt, and dollars costs, by the Town Clerk of

Sheriff's Deed

Summerside for non-payment of the assessment imposed on said land under and by virtue of an Act passed fortieth year of the reign of Her present Majesty Queen Victoria, intituled an Act to consolidate and amend the Acts incorporating the Town of Summerside, and whereas by virtue of a warrant issued out of said Court under the hand and seal of the Stipendiary Magistrate of the Town of Summerside as Judge of the said Court, bearing date the day of A. D. 188 , I as such Sheriff was commanded to levy upon and sell the said real estate, or as much thereof as in my judgment would be sufficient to realize the sum of dollars, together with all costs of such levy and sale, at public auction to the highest bidder, having first given thirty days notice of such sale as required by law, and to make a return of my doings thereunder to the said Stipendiary Magistrate; and whereas I as such Sheriff by virtue of said judgment and warrant, and by virtue of the Act hereinbefore recited, and all Acts enabling me, having given the notices required by law, did levy upon and sell at public auction, at the Court House, in Summerside, the said land and premises hereinbefore described [or the land and premises hereinafter described being part of the land hereinbefore described as the case may be] to of in for the sum of or price of dollars, he appearing to be the best or highest bidder therefor; Now know you that I the said by virtue of my office as such Sheriff, and by virtue of said warrant and the Act hereinbefore referred to, and all other Acts and powers enabling me and in consideration of the sum of dollars paid by the said of the receipt whereof is hereby acknowledged, have granted and assigned all that [describe land] to have and to hold the same unto and to the use of the said his heirs and assigns for ever.

In witness whereof I the said have hereunto set my hand and affixed my seal of office this day of A. D. 188 , (or in witness whereof I

the said by my deputy for that purpose law-
fully authorized,) have hereunto my hand set and
affixed my seal of office this day of
A. D. 188 .

Signed sealed and delivered in presence of

SCHEDULE Y.

Summons to Residents for Personal Property or
Poll Tax.

Dominion of Canada,
Province of Prince Edward Island,
County of Prince, Town of Summerside.

Before the Stipendiary Magistrate for the Town of
Summerside.

Summons to
residents for
personal prop-
erty or poll
tax.

You are hereby required to be and appear before
Stipendiary Magistrate for the Town
of Summerside at his Court Room, in Summerside,
on the day of A. D. 188 , at
the hour of o'clock. in the forenoon, to show
cause why judgment should not be entered against
you for the sum of \$ being [\$ for
assessment on personal property within the said
Town, or \$ for poll tax, or both as the case
may be] for the year ending the 31st day of August,
A. D. 188 , and \$ for costs.

Dated this day of A. D. 188 .
Town Clerk.

To A. B.

SCHEDULE Z.

Summons to Residents for Real Estate.

Dominion of Canada,
Province of Prince Edward Island,
County of Prince, Town of Summerside.

You are hereby required to be and appear before the Stipendiary Magistrate for said Summons to
residents for
real estate.
Town, at his Court Room, in Summerside, on
the day of A. D. 188 , at the hour

of o'clock, in the forenoon, to show cause why judgment should not be entered against all that [describe land] for the sum of \$ being the amount of assessment due thereon for the year ending 31st day of August, 188 .

To A. B.

Town Clerk.

SCHEDULE A. A.

Form of Judgment for Taxes on Personal Property or Poll Tax.

Dominion of Canada,

Province of Prince Edward Island,

County of Prince, Town of Summerside.

Judgment for
taxes on per-
sonal prop-
erty or poll
tax.

Before

Stipendiary Magistrate for the

Town of Summerside.

the day of

A. D. 188 .

Whereas A. B. the Town Clerk for the Town of Summerside gave due notice to X. Y. of Summerside aforesaid, that he had been assessed in the sum of \$ for [here state nature of tax whether on personal property or poll tax] and whereas the said tax not having been paid or appealed from, the said Town Clerk issued a summons to the said X. Y. to show cause before me why judgment should not be entered against him for the said amount; and whereas it now appears that the amount of said assessment remains still unpaid, and the said Town Clerk has made application for judgment against the said X. Y. for the amount thereof.

Therefore, it is considered that judgment be and the same is hereby entered against the said X. Y. for the said sum of \$ and also for \$ for costs occasioned by the said application and this judgment, which said moneys in the whole amount to \$.

Judgment signed the
188 .

day of A. D.

A. B. C.,

[L. S.]

Stipendiary Magistrate.

SCHEDULE B. B.

Judgment for Tax on Land.

Dominion of Canada,

Province of Prince Edward Island,

County of Prince, Town of Summerside.

Before the Stipendiary Magistrate for the Town of Summerside.

the day of A. D. 188

Judgment for
tax on land.

Whereas A. B., the Town Clerk for the said Town of Summerside, gave due notice to I. G. of the apparent owner of the land hereinafter described, that he had been assessed in the sum of \$ on all that tract of land situated in Summerside aforesaid, bounded and described as follows [here describe land] and whereas the said assessment not having been paid or appealed from, the said Town Clerk issued a summons to the said I. G., to show cause before me why judgment should not be entered against the said land; and whereas it now appears that the sum of \$ is due for assessment on the said land, and the said Town Clerk has made application for judgment against the said land; Therefore, it is considered that judgment be and is hereby issued against the said piece of land for the said sum of \$ and \$ costs, which moneys in the whole amount to \$.

Judgment given and signed this day
of A. D. 188

[L. S.] A. B. C.,
Stipendiary Magistrate for the Town of Summerside.

SCHEDULE OF FEES.

STIPENDIARY MAGISTRATES.—Every oath 16 cents.
Judgment, 50 cents.

SHERIFFS—FOR EXECUTING EVERY EXECUTION:

When the body of the defendant is arrested, 25 ^{Fees.}
cents.

For levying and selling under an execution against personal property, 50 cents.

If paid before sale, then 25 cents only to be charged.

For every notice of sale of personal property not exceeding one hundred dollars in one execution, 5 cents.

Man in charge, if actually employed, per diem, 60 cents.

The levying on and selling lands under any execution, one dollar.

Printer's account, in full of all fees, actual amount paid. In case amount of execution is paid before sale, then the Sheriff shall be entitled to receive 25 cents, besides printer's bill in full of all fees.

FENCE VIEWERS.—Such fees as the Council may prescribe.

TOWN CLERK.—Every summons, 25 cents. Every day's attendance in obedience of summonses, 25 cents.

CAP. XII.

An Act to incorporate the Prince Edward Island Electric Company.

[Assented to 14th May, 1886.]

Preamble.

BE it enacted by the Lieutenant Governor, Council and Assembly as follows:—

Certain persons incorporated.

1. That Louis Carvell, George McLeod, Rowan R. FitzGerald and John Starr, and such other persons as may become shareholders in the Corporation to be by this Act created, shall be and they are hereby created, constituted, and declared to be a Corporation body politic and corporate, by the name of "The Prince Edward Island Electric Company." And the head office of the said Company shall be in Charlottetown.

Corporate name, &c.

2. The said Company shall have power to acquire, hold, and erect Electric Light stations, in the several cities, towns, and villages in this Island, for the purpose of generating Electric Light and power to be supplied to hotels, public buildings, stores, dwellings, streets, wharves, or wheresoever or for what other purpose soever the same may be required, and in the said several cities, towns and villages, to erect poles or other necessary supports, with insulated wire thereon for the transmission of the same along the streets, ways, or other necessary places of the said cities, towns and villages, subject at all times to the approval of the city or town surveyor, or other officer having supervision of the streets or ways.

Objects and
powers of
Corporation.

3. The capital stock of the said Company shall be fifty thousand dollars divided into shares of one hundred dollars each, with power for the said Company to increase said capital stock to one hundred thousand dollars, in such way and manner as the said Company shall by any resolution, bye-law or regulation, direct.

Capital stock.

4. The said Company shall have power from time to time to borrow such sum or sums of money, not exceeding twenty-five thousand dollars in all, as it shall deem necessary for carrying on the work of the said Company, and to issue bonds therefor in sums of not less than one hundred dollars each, which shall be a first charge upon the real estate, plant, works, and property of the said Company.

Power to bor-
row money.

5. The said Company shall have power to purchase, lease, or otherwise acquire and hold

To hold real estate. all such real estate as may from time to time be necessary for the purposes of the Company, and also to sell, lease, or otherwise dispose of, and to mortgage, pledge or encumber such real estate or any part or parts thereof from time to time in such manner and on such terms as they may deem fit.

First Board of Directors. 6. The persons named in the first section of this Act shall be the directors of the said Company until the first annual meeting, and whenever ten thousand dollars of the capital stock of the said Company shall have been subscribed, they shall call a meeting of the shareholders at the head office of the said Company, and such directors shall from amongst themselves select a president and appoint a secretary, and such other officers as the said directors shall deem necessary, and such meeting shall transact such general business of the said Company as shall be necessary to be done.

Liability of shareholders. 7. No shareholder shall be liable as such beyond the amount of stock subscribed or acquired by him for any debt contracted by the Company, or for loss or liability incurred by the Company.

First general meeting. 8. The first general meeting of the Company shall be held as hereinbefore provided, and in each year thereafter there shall be held at Charlottetown, on the second Wednesday in May, a general meeting for the election of directors, and for such other proceedings and business as it is competent for the shareholders to deal with and determine, and ten days' notice of every such meeting shall be given in one or more of the newspapers published in Prince

Edward Island, the first or any subsequent general meeting may be adjourned from time to time by a majority of votes of subscribers or shareholders present.

9. At all meetings of the shareholders, each share shall entitle the holder to one vote, which may be given in person or by proxy; but no one who is not a shareholder shall act or vote as such proxy, and no shareholder shall be entitled either in person or by proxy to vote at any meeting upon any share or shares in respect to which any call is in arrear. Voters.

10. If at any time an election of directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. Continuance of retiring directors in office.

11. When a vacancy occurs by the death or resignation of a director, the vacancy shall be supplied by the remaining directors at a subsequent meeting of the directors, appointing by resolution a director or directors in the place or stead of the director or directors having died or resigned. Vacancy by death or resignation, how filled.

12. The directors may from time to time, make, alter, amend or repeal such bye-laws, rules, or regulations, as they may deem necessary and proper for the management of the affairs of the Company generally; but every such bye-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, By-laws.

duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereof, shall at and from that time only cease to have force : provided always that one-fourth part in value of the shareholders of the Company shall at all times have a right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect, and ten days notice of any such special meeting shall be given in one or more of the newspapers published in Prince Edward Island.

Proviso.

Transfer of shares. 13. No assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose by such officer as the directors may from time to time designate, provided that whenever any shareholder shall transfer in manner aforesaid all his stock or shares in the said Company, such shareholder shall cease to be a member of the said Corporation.

Powers of directors as to transfer of shares. 14. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company, and the directors may deduct from the dividend payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

Voting by ballot. 15. At all elections of directors voting shall be by ballot, and the directors shall choose from among their own number a president.

Directors elected at first annual meeting. 16. At the first annual meeting of the shareholders a Board of four directors shall be elected,

by whom the business of the Company shall be managed, and each director shall be the proprietor of at least ten shares in the capital stock of the Company. The directors shall hold office and be elected as herein before provided, and three directors shall be a quorum to transact business.

17. The said Company shall so construct and work its machinery, electric apparatus, instruments and lights, and lines, as not to interfere with, obstruct or impair the working of the lines or wires of the Telephone Company of Prince Edward Island, now or hereafter to be erected, or any extension or extensions thereof, or the transmission of telephonic messages, and if the said Company shall purchase, lease or have the management of any electric stations, wires, poles or machinery, for generating or transmitting electricity, the said Company shall likewise so work and manage the same as not to interfere with, or obstruct, or impair the working of the said lines or wires of the Telephone Company of Prince Edward Island, or any extension thereof as aforesaid, or the transmission of telephone messages.

No interference with Telephone Co.

CAP. XIII.

An Act to amend "An Act to Incorporate the Trustees of the Orwell Head congregation in connection with the Church of Scotland."

[Assented to 14th May, 1886.]

WHEREAS by the said recited Act passed in the 46th year of Her Majesty's Reign, Preamble. it was contemplated that certain lands in Townships Numbers Forty-eight and Forty-nine, de-

scribed in Schedules E and F of that Act, with other lands, should be vested in the corporation created by that Act, and it was provided by the thirteenth section that if the congregation in that section named should desire to enter into a union with the Presbyterian Church in Canada, it should be lawful for them to do so without prejudice to their holding the property vested in them by the said Act, and whereas the said Act provides for the annual election of thirteen trustees, consisting of seven for the Orwell Head Congregation, three for the Birch Hill congregation, and three for the Lot Forty-eight congregation, and whereas the present trustees are John Ross, Donald Stewart, John Archibald McLeod, John S. Martin, James Stewart, Angus Martin and Angus McDonald, for the Orwell Head congregation; and William Bolum, John Jenkins and Joseph Jenkins, for the Birch Hill congregation; and Daniel McLean, James Farquharson and Alex. McEachern, for the Lot Forty-eight congregation; and it is desirable after the current year to reduce the number of trustees to seven, to be elected without regard to locality; and whereas at a meeting of the said congregation held pursuant to the said thirteenth section, a resolution was duly passed in favor of the said congregation entering into a union with the Presbyterian Church in Canada; and whereas a petition has been presented to the Legislature humbly praying that the said Act be amended so as to effect said change and to make other provisions for the administration of the property of the congregation and the qualification of electors and trustees.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly:

1. That at the annual meeting to be held on the second Monday of July next, A. D. 1886, seven trustees only shall be elected, and that they shall be elected from the persons in the Orwell Head Congregation eligible for trustees, and that the qualification of electors and trustees (subject to the change made by this Act) shall be (as near as can be) the qualification of electors and trustees at the last annual election, and that in default of election of such seven trustees on the second Monday of July next, the said John Rose, Donald Stewart, John Archibald McLeod, John S. Martin, James Stewart, Angus Martin, and Angus McDonald, shall be and continue the trustees until their successors are appointed, with power to them or the majority of them to administer the affairs of the corporation and to fill vacancies caused by death, disqualification or resignation.

Election of
Trustees on
second Mon-
day in July,
1886,

2. After the passing of this Act the present trustees and the seven trustees to be elected on the second Monday of July next, or other the persons acting as trustees and their successors and the persons qualified from time to time to elect trustees shall be and form a body corporate by the name of "The Trustees of the Orwell Head Presbyterian Church," and by that name may buy, acquire, hold and receive land, and sell, mortgage and dispose of the same, or any part thereof, have a common seal, the power to alter the same, and may contract and be contracted with, sue and be sued, and possess the general powers of a body corporate.

Who shall
form body
corporate and
name of Cor-
poration.

3. After the passing of this Act, the lands described in the deed set out in the Schedule A of the said recited Act and in Schedules B C,

To what use
lands held.

and D of the same Act, shall continue to be the property of and vest in "The Trustees of the Orwell Head Presbyterian Church," their successors and assigns, to have and to hold the same, and all lands to be hereafter bought or acquired, and every part thereof to the use of "The Trustees of the Orwell Head Presbyterian Church," to be held for church and congregational purposes in connection or union with the Presbyterian Church in Canada for the purposes of the corporation.

4. After the passing of this Act the land described in Schedule E of the said recited Act shall vest in the said Daniel McLean, James Farquharson, and Alexander McEachern, their heirs and assigns, as joint tenants in trust for such persons male heads of families in Lot Forty-eight as were in connection with and communicants in the Church of the late Rev. Donald McDonald, for such purposes as such persons or a majority of them may from time to time determine; and the land described in Schedule F of the said recited Act shall vest in the said William Bollum, John Jenkins and Joseph Jenkins, their heirs and assigns as joint tenants in trust for such persons male heads of families in Lot Forty-nine as were in connection with the Birch Hill congregation and who had been communicants in the church of the said late Rev. Donald McDonald, for such purposes as such persons last mentioned or a majority of them may from time to time determine, provided that nothing herein contained shall be construed to mean that said persons at Lot Forty-eight and Forty-nine, or the churches of the last mentioned

Certain lands
to vest in cer-
tain persons.

Provided.

two places, are or shall be by virtue of this Act united or connected with the Presbyterian Church in Canada, or subject to its discipline, but so long as the said lands described in said Schedules E and F do not form part of the property of "The Trustees of the Orwell Head Presbyterian Church," the aforesaid persons in Lot Forty-eight and Lot Forty-nine shall not vote for trustees under this Act.

5. On and after the first day of July next, the church at Orwell Head and persons members thereof shall be and exist in connection and union with the Presbyterian Church in Canada, and the affairs of said church shall be ecclesiastically governed according to the form of church government and rules of the Presbyterian Church in Canada, so far as the same are not inconsistent with the laws of this Island, provided that nothing herein contained shall prejudice the rights of pew owners in the Orwell Head Church (if any) to use and occupy such pews although they may have voted against or dissented from the resolution in favor of a union with the Presbyterian Church in Canada, so long as such pew owners pay the rates or assessments made or to be made in respect of such pews, and otherwise conform with the rules and regulations existing from time to time concerning pews and pew holders.

Church man-
agement after
1st July, 1886.

6. As often as a vacancy occurs in the office of minister of the said church it shall be the duty of the trustees before appointing or employing a minister to fill such vacancy, to call a meeting of the congregation to consider and approve such appointment, and such meeting may be called according to the form of

Appointment
of minister to
be approved
by meeting of
congregation.

procedure of the Presbyterian Church in Canada, or by notice under the hand of the Secretary to be published for the time and in such manner as the notice calling an annual meeting.

Trustees may join with other congregation in employing minister.

7. The trustees of the Orwell Head Presbyterian Church instead of employing a minister exclusively for that church may combine or join with any other congregation or part of other congregation belonging to the Presbyterian Church in Canada in employing the services of a minister for their joint use, but before so combining, a meeting of the congregation shall be called to consider and confirm such action, which meeting may be called as mentioned in the last preceding section.

Minister not eligible as trustee.

8. The minister of such church shall not be eligible for election as one of the trustees.

Trustees empowered to define qualification of voters.

9. It shall be lawful for the trustees of the Orwell Head Presbyterian Church from time to time by resolutions or by-laws to enlarge, alter, and define the qualification of trustees and of persons who shall be entitled to vote for the election of trustees, provided such resolutions or by-laws be first passed by the trustees and entered on their minutes, and provided that such by-laws or resolutions be adopted at an annual or special meeting of the congregation either with or without amendments, but before such resolutions or by laws shall be submitted to any annual or special meeting, notice thereof shall be given for at least three consecutive weeks in some newspaper published in this Island, over the signature of the secretary, intimating that such resolutions or by-laws will be submitted to the meeting; such notice may

Notice to be given of submission of by-laws.

be embodied in the general notice calling the annual meeting, but need not specify therein the nature of its alterations or changes to be effected by such by-laws or resolutions.

10. Section five of the said recited Act is hereby amended by striking thereout the word "five" and substituting therefor "the majority."

Section 5 of
recited Act
amended.

11. All such parts of the Act of Forty-sixth Vic. Cap. twenty-nine, and of all other Acts as are inconsistent with this Act are hereby repealed.

Repeals.

12. Whereas the congregations at Lot Forty-eight and Birch Hill contributed towards the building of the manse at Orwell Head, and it is desirable that those congregations should not be deprived of their relative interest in the manse, be it therefore enacted that it shall be lawful for said congregations at Birch Hill and Lot Forty-eight, or either one of them, within one year after the passing of this Act to present a written demand on the trustees of the Orwell Head congregation for compensation because of their having so contributed towards the erection of said manse, and it shall be lawful for the trustees of the Orwell Head Church to pay such demand, if they or a majority of them shall agree on the amount, and in case of dispute, or the parties not being able to agree, that then the matter of such demand shall be referred to the arbitration of three disinterested persons, whose award shall be final.

Lot 48 and
Birch Hill
congregations
may demand
compensation.

Arbitration.

13. In case of a reference, Birch Hill and Lot Forty-eight congregations may combine in the arbitration, but an award shall be made (if any) to each of them separately.

separate
awards

14. The arbitrators shall be appointed as follows: The Orwell Head congregation shall appoint one, the Birch Hill and Lot Forty-eight congregations (or one of them if only one is presenting a claim then that one) shall appoint another and these two shall appoint the third.

Arbitrators,
how appointed.

15. Be it further enacted that members of the Orwell Head Church and outlying districts who were included in the body corporate constituted by the said recited Act and were communicants in the church on the Twenty-fourth day of April last, or at any time within two years previously, and who voted on the last mentioned day against the resolution for uniting with the Presbyterian Church in Canada, and all communicants outside of the Orwell Head congregation who voted or did not vote (except the Lots Forty-eight and Forty-nine congregations in respect of whom a provision has been hereinbefore made) may certify in writing to the trustees that they refuse to become members of the Presbyterian Church in Canada, and may within twelve months after the passing of this Act present a claim in writing in the manner hereinbefore provided with respect to the Lot Forty-eight and Lot Forty-nine congregations, and the trustees may pay and arrange such claim, and in case of dispute or non-agreement, the same to be settled by arbitration, as in the case of the Lot Forty-eight and Lot Forty-nine congregations.

Certain
church mem-
bers may pre-
sent claim for
compensation

16. This Act together with the said recited Act as amended, may be cited as "The Trustees Orwell Head Presbyterian Church Act, 1886."

Short title
of Act.

CAP. XIV.

An Act to amend and consolidate the Acts referring to the affairs of Saint James' Presbyterian Church, Charlottetown.

[Assented to May 14th, 1886.]

WHEREAS it is expedient to provide for the better regulation of the affairs of ^{Preamble.} St. James Presbyterian Church, Charlottetown, by amending and consolidating previous Acts.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows :

1. The first section of the Act of the Second William the Fourth, chapter seventeen, is ^{Amendment.} amended by substituting "Presbyterian Church of Canada" for "Church of Scotland."

2. The second section of the said Act is amended by striking out all after the words ^{Amendment of Sec. 2 of re-cited Act.} "declared and expressed in the said deed," and by substituting therefor "So far as any Act of the Legislature of Prince Edward Island shall not alter or affect the same."

3. From and after the passing of this Act there shall be chosen by such of the congregation of the said church as shall be duly qualified ^{Six trustees to be chosen.} to vote therefor, that is to say, every male person of the age of twenty-one years who shall have subscribed and paid for the said church an annual sum of not less than five dollars of current money of the Dominion of Canada, and who shall not be in arrears of such subscription, six persons in addition to the minister of the

church for the time being, who shall be members of said church and in full communion therewith, to be trustees of said church, which said trustees so elected shall be in lieu of the trustees appointed under and by virtue of former Acts, which trustees, together with the minister of the said church, may appoint their own chairman, secretary, treasurer and other officers,—three of said trustees to be a quorum.

4. The seal of said corporation and all books, papers, deeds, minutes, vouchers, moneys, notes, or obligations for money, and all other property whatsoever in their care, custody or possession, shall be forthwith handed over by the former trustees to the trustees so elected aforesaid.

Who shall have custody of seal, &c.

5. The election of trustees under this Act shall take place on the third Monday of January of each year, the first election of said trustees to take place on the third Monday of January, 1887, and at each such annual meeting thereafter two of the said Board of Trustees shall retire by rotation and their places shall be filled by election of the six trustees to be elected in one thousand eight hundred and eighty-seven, the two to retire in one thousand eight hundred and eighty-eight shall be ascertained by the board of trustees or a quorum of them by lot, and the two of the remaining four to retire in one thousand eight hundred and eighty-nine, shall be ascertained in the like manner, and the remaining two of said six shall retire in one thousand eight hundred and ninety, and thereafter the two trustees longest in office since their last elections shall retire annually. For the purpose of this section a trustee appointed or elected to fill a

Annual election of Trustees.

vacancy shall be treated as the trustee whose place is supplied would be if he had not ceased to be a trustee; provided always that the retiring trustee shall be eligible for re-election; should any vacancy occur by death, resignation, removal or otherwise, among the board of trustees, the remaining members shall have power temporarily to fill up such vacancies, the persons so appointed to hold office until the next annual meeting, when the congregation shall elect persons to fill such vacancies, and the term of office of said persons shall expire at the same time as that of the trustees whose places they are elected to fill.

6. The trustees now in office shall continue to hold office till their successors under this Act shall have been duly elected.

How long present trustees shall continue in office.

7. The said annual meeting shall be called by public notice from the pulpit of said church on two Sabbaths next preceding the date of the meeting (such notice to be given by the minister of the church or any one occupying the pulpit for the time being) or by inserting notice of the same in one issue of the "Royal Gazette," or other newspaper published in Charlottetown. The notice shall state the time and place of meeting, at which time and place the said electors shall meet and choose a chairman and proceed to the election either by ballot or open vote of trustees qualified as aforesaid, and the names of the persons so elected shall be entered upon the minutes of said meeting.

How notice of annual meeting shall be given.

8. If it should happen that no election of trustees should take place on the third Monday

Under cer-
tain circum-
stances trust-
ees retiring
continue in
office.

of January, aforesaid, then the retiring trustees shall continue to hold office until the next annual meeting, unless a requisition signed by not less than twenty persons duly qualified to vote as aforesaid, be presented to the trustees calling upon them to cause a meeting to be held for the election of trustees, of which meeting not less than ten days notice shall be given either from the pulpit or by notice in some newspaper published in Charlottetown as aforesaid, and such meeting shall be held in manner and form as hereinbefore directed with respect to annual elections.

How ecclesi-
astical mat-
ters, &c., shall
be governed.

9. All ecclesiastical matters and the calling of congregational meetings except in so far as hereinbefore provided, shall be governed by the rules of procedure of the Presbyterian Church of Canada.

Repeals.

10. All after section two of the Act of the second William the Fourth, chapter seventeen, and the whole of the Acts of the fifteenth Victoria, chapter sixteen, and the nineteenth Victoria, chapter twenty-four, are hereby repealed.

CAP. XV.

An Act to incorporate the Middleton Hall Company.

[Assented to 14th May, 1886.]

Preamble.

WHEREAS several persons have formed themselves into a Joint Stock Company for the purpose of building a Hall at Middleton.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

1. That John J. Wright, Colin T. P. Wright, and W. J. Bradshaw, their associates, successors, or assigns be and the same are hereby declared to be a body corporate by the name and title of "The Middleton Public Hall Company," and may in such name sue and be sued, plead and be impleaded in any Court of Law and Equity in this Province, in as full and ample a manner as any other person or persons may, and that the said Corporation may in manner hereinafter mentioned from time to time, and at all times hereafter have full power and authority to make, constitute, ordain, establish, and amend such by-laws, rules, and regulations as may be deemed necessary for the good rule and government of said Corporation; provided the same be not inconsistent with the laws of this Province.

Corporation
may make by-
laws.

2. The capital stock of the said Corporation shall consist of four hundred dollars divided into shares of two dollars each, and may be increased from time to time to any amount not exceeding in the whole three thousand dollars as a majority of the shareholders at a meeting to be specially called for that purpose shall agree upon; the time and place of such meeting to be determined upon by a by-law of the Corporation.

Capital stock.

3. It shall be lawful for the said Corporation to take, receive, hold, possess and enjoy in fee simple or otherwise, any lands, tenements, and hereditaments, real and personal estates not exceeding in value three thousand dollars, and may sell, lease, mortgage or otherwise dispose of the said property as it may deem proper.

Lands, &c.,
may be held
to value of
\$3,000.

Provisional
Directors and
their duties.

4. The said John J. Wright, Colin T. P. Wright, and W. J. Bradshaw, shall be provisional directors of the said Company until replaced by others duly elected in their stead, and it shall be their duty to open stock books and to procure subscriptions for the undertaking, to allot stock to the subscribers thereof to call a general meeting of the shareholders for the election of directors as therein provided, and generally to do all such other acts as shall be necessary for the organization of the Company.

Provisional
Directors to
call meeting
for appoint-
ment of Direc-
tors.

5. So soon as the capital stock shall have been subscribed the provisional directors or a majority of them shall call a meeting of the shareholders at such time and place in Middleton as they may think suitable, at which general meeting the shareholders present in person or by proxy (the holder of such proxy being a shareholder, and no shareholder shall hold more than five proxies) shall elect by ballot three of their number to be directors, and from and after the completion of such election the powers and functions of the provisional directors shall cease and determine, but nothing herein contained shall debar or exclude the provisional directors from being the annual directors for the ensuing year.

Board of three
Directors to
administer
affairs.

6. The board of three directors so elected shall administer the affairs of the Company, and shall be elected annually at the general meeting, and the qualifications of such directors shall be set forth in the by-laws of the said Company.

7. The general annual meeting of the shareholders of the said Corporation for the transac-

tion of the general business of the Company and the election of directors shall be held on the first Thursday in December in every year, and special meetings of the Company may be summoned by the directors when they shall deem the same necessary; provided always that at least ten days notice of such meeting be given by at least three notices being posted in the most conspicuous places in Middleton.

When general annual meeting shall be held.

8. The directors shall make all by-laws with respect to the transfer of shares.

By-laws.

9. The directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

Calls upon capital stock.

10. No shareholder in the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company, the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

Liability of shareholders.

CAP. XVI.

An Act to Incorporate the New Glasgow Hall Company.

[Assented to 14th May, 1886.]

WHEREAS the persons hereinafter named and others have united as a Company

Preamble.

for the erection of a Public Hall or building in New Glasgow, to be used for holding meetings therein for moral and useful purposes, and it is desirable that they should become incorporated the more effectually to carry out the object for which they are associated with each other in the said undertaking.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows :

Corporate name. 1. That James Laird, Benjamin Bulman, James Dickieson, William Laird, George Smith, and all such persons as now are or shall hereafter become proprietors of shares in the Company and undertaking hereby established and their respective successors, executors, administrators and assigns, shall be and they are hereby declared to be a body politic and corporate by the name of "The New Glasgow Hall Company," and by that name shall and may sue and be sued and have perpetual succession.

Empowered to hold lands, &c. 2. That the said Company shall and may take, purchase and hold any lands or real estate in fee simple or otherwise, and also rents, moneys, securities for moneys, goods and chattels, whatsoever, and may sell, let, demise, exchange or mortgage the same: **Proviso.** Provided that the said Company shall not at any time hold or possess real estate to a greater value than five thousand dollars, and that the directors of said Company shall not sell nor mortgage the same without having first obtained a two-thirds vote of all the shareholders of the Company at an annual or special meeting to authorize such second such sale or mortgage.

3. That the capital of the said Company ^{Capital.} shall not exceed ten thousand dollars, to be divided into shares of five dollars each, and such shares shall be assignable and transferable in such manner and upon such terms as the by-laws may provide.

4. That in the election of directors every shareholder who has paid up all calls due on their shares shall be entitled to vote in the following manner: one share, one vote; five shares, two votes; ten shares, three votes; fifteen shares, four votes; and for every ten shares over that number, one vote; and every shareholder may vote either in person or by proxy, such proxy being also a shareholder who shall produce his authority in writing before voting. ^{Who entitled to vote.}

5. The shareholders shall annually elect by ballot five directors, of whom three shall form a quorum, and every person who holds the number of two or more shares shall be eligible as a director, and shall continue qualified as such only while he holds such shares. ^{Election of Directors.}

6. The directors when elected shall choose ^{President, &c.} from their number a president, secretary and treasurer, the latter two offices may be filled by one person, and in case of a vacancy or vacancies occurring in the board of directors by death, resignation, disqualification, refusal to act or otherwise, the remaining directors may fill up the vacancy or vacancies.

7. That the several persons who now are or hereafter may become subscribers for shares ^{How payments made and enforced.}

in said Company, shall be required to pay the sums of money by them respectively subscribed in such proportions and at such times as shall be appointed by the directors, and such moneys shall be recoverable in the County Court of Queen's County, or under the provisions of the County Court Amendment Act, 1878, and any such Acts in amendment thereof.

Liability.

8. That the joint property of said Company shall be alone liable for its debts and engagements, and that no individual shareholder shall be responsible for the same or for any liability whatsoever beyond the amount unpaid on the shares held by him.

Directors' power to lease.

9. The directors shall not lease or rent the said building or any part thereof for a longer period than the expiration of their term of office without having first obtained the consent of a majority of the votes of the shareholders present at an annual or special meeting.

Notice of, and transactions at annual meeting.

10. That a majority of the shareholders who are present or are represented by proxy at an annual meeting, shall have full power to elect directors and transact all other business (excepting to authorize the sale or mortgage of the lands or real estate of the said Company), and that a like majority at any special meeting shall have full power to make by-laws or to transact any other business for which such special meeting is called: provided that ten days written notice shall have been first given by the secretary to each shareholder to attend thereat by letter delivered to the shareholder or posted to his address at his last or usual place of abode,

which said notice shall set forth the time and place of holding such special meeting and the object thereof.

11. That the persons whose names are mentioned in the first section of this Act shall be the directors until the first annual meeting in January next.

First Board of Directors.

12. That the annual meeting of said Company shall be held in the month of January in every year, and at such day in said month as the board of directors shall appoint, and that notice thereof shall be given by the secretary to each shareholder by letter either delivered personally or posted to his address at his last or usual place of abode.

Annual meeting.

CAP. XVII.

An Act to vest the title of a certain tract of land in Charlottetown in Patrick Blake and Maurice Blake.

[Assented to 14th May, 1886.]

WHEREAS some doubt exists as to the title of the land hereinafter described, and it is desirable to remove such doubt.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

Preamble.

1. All that tract, piece or parcel of land situate, lying, and being in Charlottetown, in Queen's County, in the Province of Prince Edward Island, described as follows that is to

Vests land in
P. and M.
Blake in fee
simple.

say: Commencing on the north side of Kent Street in the south east angle of land in possession of John McPhail, and running thence northerly along the eastern boundary of said land of John McPhail one hundred and sixty feet, or until it meets land now or formerly in the possession of William Dodd, Esq.; thence easterly along the southern boundary of said land now or formerly held by the said William Dodd, one hundred and twenty-six feet, or until it meets land formerly in possession of the late Hon. George Coles; thence southerly one hundred and sixty feet along the western boundary of last mentioned land until it meets Kent Street aforesaid; thence following the course of said street westwardly one hundred and twenty-six feet or to the place of beginning; and being Town Lot Number Thirty-seven, and part of Town Lot Number Thirty-eight, in the Fourth hundred of Town Lots in Charlottetown aforesaid, is hereby granted to and vested in Patrick Blake and Maurice Blake, of Charlottetown, aforesaid, in fee simple, to have and to hold the same unto and to the use of the said Patrick Blake and Maurice Blake, their heirs and assigns in fee simple.

CAP. XVIII.

An Act to vest the title of a certain tract of land in Archibald Kennedy, Esquire.

[Assented to 14th May, 1886.]

Preamble.

WHEREAS some doubt exists as to the title of the land hereinafter described, and it is desirable to remove such doubt.

Be it therefore enacted by the Lieutenant, Governor, Council, and Assembly, as follows :

1. All that tract, piece, or parcel of land in the common of Charlottetown, in the Province of Prince Edward Island, described as follows, that is to say:—Commencing on the eastward side of Upper Queen Street, at the south west angle of Thomas Brennan's possession; thence according to the magnetic meridian of the year 1764, running north sixty-two degrees east seventy-four feet; thence south twenty-six degrees and thirty minutes east six feet; thence north sixty-nine degrees east forty-four feet; thence south twenty-eight degrees east forty-two feet; thence south sixty-six degrees west forty-five feet; thence north twenty-six degrees, thirty minutes west ten feet; thence south sixty-two degrees west seventy-three feet and six inches to said Upper Queen Street; thence following the course of the same north twenty-eight degrees west forty feet to the place of commencement, is hereby granted to and vested in Archibald Kennedy, of Charlottetown, aforesaid, in fee simple, to have and to hold the same with all the buildings and improvements thereon unto and to the use of the said Archibald Kennedy, his heirs, and assigns in fee simple, subject however to any lien or charge that the Crown may hold against the said land before the passing of this Act, and such lien or charge may be enforced notwithstanding this Act.

Vests land in
A. Kennedy in
fee simple,
subject to any
Crown charge

CAP XIX.

An Act to vest the title of a certain tract of land in Wood Islands in Archibald Bell and Malcolm Bell, as tenants in common.

[Assented to 14th May, 1886.]

Preamble.

WHEREAS some doubt exists as to the title of the land hereinafter described and it is desirable to remove such doubt.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

Vests lands in
A. Bell and
M. Bell in fee
simple.

1. All that tract, piece, and parcel of land, situate, lying, and being on Lot or Township Number Sixty-two, in Queen's County, in Prince Edward Island, bounded and described as follows, that is to say : Commencing on the shore of Northumberland Straits, at the west boundary of land formerly in the possession of the late Donald Bell, and running thence westwardly along said shore till it gives the distance of five chains and seventy-seven links on a right angle from said last mentioned boundary; thence north by a line parallel to the eastern boundary of land in possession of Duncan Taylor, for the distance of forty-one chains to the main public road, thence along said road eastwardly to the western boundary of land aforesaid in possession of the heirs of the late Donald Bell, and thence south along said line or boundary to the shore of Northumberland straits aforesaid to the place of commencement. Also all that other tract of land described as follows:—Commencing on the eastern boundary of land in possession of

Duncan Taylor, aforesaid, at the distance of five chains and forty-seven links north from the public road, and running thence eastwardly parallel to said road till it gives the distance of ten chains and fifty five links on a right angle, thence north along the western boundary of land formerly in possession of the late Donald Bell, to the southern boundary of land in the possession of Dugald Munn; thence along the said boundary westwardly to the south-east boundary of land in possession of the heirs of the late James Munn; thence along the said boundary westwardly for the distance of two chains and seventy links to the eastern boundary of land in possession of Duncan Taylor aforesaid, and thence south along said boundary to the place of commencement, both tracts together containing an area of eighty acres of land, a little more or less, are hereby granted to and vested in Archibald Bell of Wood Island, aforesaid, and Malcolm Bell, formerly of Wood Island, in fee simple, to have and to hold the same unto and to the use of the said Archibald Bell and Malcolm Bell, their heirs and assigns as tenants in common and not as joint tenants.

2. Nothing herein contained shall affect the right of any incumbrances whose lien or incumbrance is prior in date to the lien or incumbrance under which the said land was sold.

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